University of London

606180

BILLS,

PUBLIC:

FIVE VOLUMES.

—(2.)—

COPYRIGHT PERIODICALS

TO

HYPOTHEC ABOLITION (SCOTLAND).

Session

10 *December* 1868 —— 11 *August* 1869.

VOL. II.

1868-9.

BILLS:

1868-9.

FIVE VOLUMES:—CONTENTS OF THE

SECOND VOLUME.

N.B.—*THE* Figures *at the* beginning of the line, *correspond with the* N° *at the foot of each* Bill; *and the* Figures *at the* end of the line, *refer to the* MS. Paging *of the Volumes arranged for The House of Commons.*

Copyright Periodicals:

93. Bill for amending the Law relating to Copyright, so far as regards the delivery of Periodical Publications at the British Museum - - - - - - p. 1

Corn and Grain Measurement:

177. Bill to establish an uniform system of Measurement in the Sale of Corn and other Grain - - - - - - - - - - - - - - 5

Corporation of London:

40. Bill for the Creation of a Corporation of London - - - - - - 9

County Administration:

119. Bill for establishing Administrative Boards for the Transaction of County Business in England - - - - - - - - - - - - 57

County Coroners:

75. Bill to amend the Law relating to the Office and Appointment of County Coroners, and for other Purposes relating thereto - - - - - - - 75

135. Same [as amended in Committee] - - - - - - - - - 79

County Courts (Admiralty Jurisdiction) Act (1868) Amendment:

121. Bill to amend the County Courts (Admiralty Jurisdiction) Act, 1868, and to give Jurisdiction in certain Maritime Causes - - - - - - - 83

County Courts Proceedings:

9. Bill further to facilitate Proceedings in the County Courts - - - 87

Court of Common Pleas (County Palatine of Lancaster) Bill:

26. Bill to authorise the Appointment of District Prothonotaries of the Court of Common Pleas of the County Palatine of Lancaster, and to provide for the better Despatch of Business therein - - - - - - - - 93

86. Same [as amended in Committee] - - - - - - - - 101

Court of Exchequer (Ireland) Offices:

63. Bill to repeal that portion of the Act sixth and seventh Victoria, chapter seventy-eight, which directs the payment of Five hundred pounds a year into the Consolidated Fund out of Monies exclusively levied in Ireland - - - 109

Court of Session Act (1868) Amendment:

145. Bill to amend the Court of Session Act, 1868, in so far as the exemption of Lighthouse Keepers, and their Assistants, from serving on Juries is thereby abolished - - - - - - - - - - - p. 113

Courts of Justice (New Site):

113. Bill to enable the Commissioners of Her Majesty's Works and Public Buildings to acquire a new Site for the Erection and Concentration of the Courts of Justice, and of various Offices belonging to the same, and to amend the Acts relating to the Concentration of the Courts of Justice - - - - - - 117

Courts of Justice Salaries and Funds:

96. Bill for amending the Law relating to the Salaries, Expenses, and Funds of Courts of Law in England - - - - - - - - - 123

218. Same [as amended on consideration of Bill as amended] - - - - 151

Criminal Lunatics:

172. Bill to amend the Law relating to Criminal Lunatics - - - - 181

Customs and Inland Revenue Duties:

95. Bill to grant certain Duties of Customs and Inland Revenue, and to repeal and alter other Duties of Customs and Inland Revenue - - - - 185

132. Same [as amended in Committee] - - - - - - - - 213

Debts of Deceased Persons:

165. Bill to abolish the Distinction as to Priority of Payment which now exists between the Specialty and Simple Contract Debts of Deceased Persons - - 241

Diplomatic Salaries, &c.:

118. Bill to provide for the Payment of Diplomatic Salaries, Allowances, and Pensions - - - - - - - - - - - - 245

Dividends on Public Stocks:

247. Bill for facilitating the Payment of Dividends on the Public Stocks, and for making Regulations with respect thereto - - - - - - 253

Drainage and Improvement of Lands (Ireland) Act (1863) Amendment:

208. Bill to amend the Drainage and Improvement of Lands (Ireland) Act, 1863, and to afford further Facilities for the Purposes thereof - - - - 257

Drainage and Improvement of Lands (Ireland) Supplemental:

55. Bill to confirm a Provisional Order under "The Drainage and Improvement of Lands (Ireland) Act, 1863," and the Acts amending the same - - 265

Drainage and Improvement of Lands (Ireland) Supplemental (No. 2):

151. Bill to confirm Provisional Orders under "The Drainage and Improvement of Lands (Ireland) Act, 1863," and the Acts amending the same - - 269

Dublin Freemen Commission:

189. Bill for appointing Commissioners to inquire into the existence of Corrupt Practices amongst the Freemen Electors of the City of Dublin - - - 277

Dublin Freemen Disfranchisement:

168. Bill for disfranchising the Freemen of the City of Dublin - - - - 281

East India Irrigation and Canal Company:

8. Bill for the Confirmation and Execution of Arrangements made between the Secretary of State in Council of India and the East India Irrigation and Canal Company; and for other Purposes connected therewith - - p. 285

East India Loan:

251. Bill to enable the Secretary of State in Council of India to raise Money in the United Kingdom for the Service of the Government of India - - - 291

Ecclesiastical Titles:

13. Bill to repeal the Act of the fourteenth and fifteenth Victoria, chapter sixty, intituled, An Act to prevent the Assumption of certain Ecclesiastical Titles in respect of Places in the United Kingdom, and section twenty-four of the Act of the tenth George the Fourth, chapter seven - - - - - 299

Election Commissioners (Expenses):

109. Bill to amend the Law relating to the Payment of the Expenses of Commissioners of Inquiry into Corrupt Practices at Elections of Members to serve in Parliament - - - - - - - - - - - - 303

139. Same [as amended in Committee] - - - - - - - - 309

Election Expenses:

7. Bill to amend the Law relating to the Expenses of Returning Officers at Elections - - - - - - - - - - - - 315

Endowed Hospitals, &c. (Scotland):

79. Bill to make provision for the better Government and Administration of Hospitals and other Endowed Educational Institutions in Scotland, and for carrying into effect the main designs of the Founders and Benefactors thereof - - 319

110. Same [as amended in Committee] - - - - - - - - 323

124. Same [as amended by the Select Committee] - - - - - - 327

Endowed Schools:

3. Bill to amend the Law relating to Endowed Schools and other Educational Endowments in England, and otherwise to provide for the Advancement of Education - - - - - - - - - - - - 331

115. Same [as amended by the Select Committee] - - - - - - 357

154. Same [as amended on Re-commitment] - - - - - - - 377

163. Same [as amended by the Select Committee and on Re-commitment - - 393

Evidence Amendment:

25. Bill for the further Amendment of the Law of Evidence - - - - 411

Exchequer Bonds (£.2,300,000):

152. Bill for raising a Sum by Exchequer Bonds for the Service of the Year ending on the Thirty-first day of March One thousand Eight hundred and Seventy - 415

Expiring Laws Continuance:

245. Bill to continue various Expiring Laws - - - - - - p. 419

Fines and Fees Collection:

159. Bill to enable Local Authorities to collect Fines and Fees by means of Stamps, 425
171. Same [as amended in Committee] - - - - - - - - 429

Fisheries (Ireland):

190. Bill to amend the Laws relating to the Fisheries of Ireland - - - 433

Fortifications (Provision for Expenses):

223. Bill for providing the final sum necessary to be raised by Loan towards carrying on the Works now in course of construction for the protection of the Royal Arsenals and Dockyards and the Harbours of Dover and Portland, and for authorizing the Abandonment of that portion of the Works already sanctioned by Parliament which has not been yet commenced - - - - 441

Game Law Amendment (Scotland):

32. Bill to amend the Game Laws of Scotland - - - - - - 447

Game Laws (Scotland):

36. Bill to amend the Game Laws in Scotland - - - - - - 453

Game Laws (Scotland), (No. 2):

47. Bill to amend the Game Laws in Scotland - - - - - - 457

Government Annuities, &c.:

70. Bill to amend the Acts relating to the Purchase of Small Government Annuities, and assuring Payments of Money on Death - - - - - - 463

Government of India Act Amendment [H. L.]:

150. Bill, intituled, An Act to amend in certain respects the Act for the better Government of India - - - - - - - - - - - 467

Governor General of India [H. L.]:

89. Bill, intituled, An Act to define the Powers of the Governor General of India in Council at Meetings for making Laws and Regulations, and to make better Provision for making Laws and Regulations for certain Parts of India, and for certain other Purposes - - - - - - - - - 471

Grand Jury Cess (Ireland):

60. Bill to provide for the Apportionment of Grand Jury Cess between Landlord and Tenant in Ireland - - - - - - - - - - 475

Greenwich Hospital:

105. Bill to make better provision respecting Greenwich Hospital, and the application of the Revenues thereof - - - - - - - - - 479

Habitual Criminals [H. L.]:

✓ 73. Bill, intituled, An Act for the more effectual Prevention of Crime - p. 485

✓ 73 *a*. Amendments to be moved in Committee by Mr. Bruce - - - - 501

✓ 264. Same [as amended in Committee] - - - - - - - - 505

Hackney and Stage Carriages Law Amendment:

✓ 227. Bill for amending the Law relating to Hackney and Stage Carriages within the Metropolitan Police District - - - - - - - - 521

Harbour of Galle Loan:

✓ 250. Bill for empowering the Public Works Loan Commissioners to advance a Sum not exceeding Two hundred and Fifty thousand pounds for the Improvement of the Harbour of Galle in the Colony of Ceylon - - - - - 529

Heritable Rights:

✓ 204. Bill to abolish the Law of Death-bed, and to make certain other changes in the Law of Scotland relating to Heritable Rights - - - - - 533

✓ 234. Same [as amended in Committee] - - - - - - - - 539

High Constables' Office Abolition, &c.:

✓ 160. Bill to provide for the discharge of the Duties heretofore performed by High Constables, and for the Abolition of such Office - - - - - - 545

✓ 182. Same [as amended in Committee] - - - - - - - - 549

✓ 195. Same [as amended in Committee and on Re-commitment] - - - - 553

Hospitals, &c. Rating Exemption:

✓ 81. Bill to exempt Public Hospitals, Infirmaries, and Dispensaries from Liability to Rating - - - - - - - - - - - - 557

Hypothec Abolition (Scotland):

4. Bill for the Abolition of the Landlord's Right of Hypothec in Scotland - 565

A
BILL
FOR

Amending the Law relating to Copyright, so far as regards the delivery of periodical publications at the British Museum.

A.D. 1869.

WHEREAS it is expedient to extend the time for the delivery of periodical publications at the British Museum:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Construction of Act. 5 & 6 Vict. c. 45.

1. This Act, so far as is consistent with the tenor thereof, shall be construed as one with an Act of the session of the fifth and sixth years of the reign of Her present Majesty, chapter forty-five, "to amend the law of copyright," in this Act referred to as the principal Act.

Short title.

2. This Act and the principal Act may be cited together as the Copyright Acts, 1842 and 1869, and each of them may be cited as the Copyright Act of the year in which it was passed.

Definition of periodical publication. 18 & 19 Vict. c. 27.

3. In this Act the term "periodical publication" means a periodical publication as defined by the Act of the session of the eighteenth and nineteenth years of the reign of Her present Majesty, chapter twenty-seven, "to amend the laws relating to the "stamp duties on newspapers, and to provide for the transmission "by post of printed periodical publications."

Delivery of copy of newspaper at British Museum.

4. The time within which a printed copy (together with all maps, prints, or other engravings belonging thereto) of the whole of every periodical publication is to be delivered at the British Museum in pursuance of the principal Act shall, instead of the times limited

A.D. 1869.

by that Act, be the following; namely, copies of all such publications,—

(*a.*) which are published before the *twenty-ninth of September* in any year, and have not been previously delivered, shall be delivered on or before the *thirty-first of March* next ensuing; and,

(*b.*) which are published before the *twenty-fifth of March*, and have not been previously delivered, shall be delivered on or before the *thirtieth of September* next ensuing.

Copyright (Periodicals).

A

B I L L

For amending the Law relating to Copyright, so far as regards the delivery of periodical publications at the British Museum.

(Prepared and brought in by
Mr. Ayrton and Mr. Chancellor of the
Exchequer.)

Ordered, by The House of Commons, *to be Printed,*
22 *April* 1869.

[Bill 93.]

Under 1 *oz.*

A
BILL
TO

Establish an uniform system of Measurement in the sale of Corn and other Grain.

A.D. 1869.

WHEREAS great irregularity exists by reason of the diversity of weights and measures used in various parts of the Kingdom in the sale of corn and other grain, and the law is insufficient for preventing the same: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

All sales of corn after 1st August 1870, otherwise than by measure, to be void.

1. All bargains, sales, and contracts made or entered into for any wheat, barley, oats, rye, beans, peas, or other similar corn, grain, or pulse after the *first day of August one thousand eight hundred and seventy* other than by the imperial bushel measure of capacity (or some aliquot part thereof), or by the sack of four imperial bushels or the quarter of eight imperial bushels, shall be null and void: Provided always, that nothing in this Act contained shall prevent the weight per bushel being specified at the time of sale.

Extent of Act.

2. This Act shall not extend to Ireland.

Corn and Grain Measurement.

A

BILL

To establish an uniform system of Measurement in the sale of Corn and other Grain.

(Prepared and brought in by
Mr. Henry B. Sheridan and Mr. Goldney.)

Ordered, by The House of Commons, *to be Printed,*
23 *June* 1869.

[Bill 177.]

Under 1 *oz.*

Corporation of London Bill.

ARRANGEMENT OF CLAUSES.

PART I.

Interpretation.

Clause.

1. Interpretation of terms.

PART II.

The County and Corporation of London.

2. County of London to include the whole metropolis.
3. Corporation of the city of London to become the corporation of London.
4. Rights of auditors, &c. of corporation not to be affected.
5. Functions, &c. of Metropolitan Board of Works to vest in corporation of London.
6. Functions, &c. of corporation of London to extend over the whole county of London.

PART III.

The Common Council of London.

7. The common council.
8. Number of its members.
9. Number of aldermen of London.
10. Number of common councillors.
11. First lord mayor of London under Act.
12. Term of office and qualification of lord mayor.
13. Election and admission to office of lord mayor.
14. Customary legal formalities as to such admission to office to be observed.
15. Lord mayor to retain all present dignity and powers.

Clause.
16. First lord mayor may appoint deputy mayor for city of London.
17. Occasional vacancies in mayoralty of London.
18. Election of future deputy mayor.
19. Present chairman of Metropolitan Board of Works to be chairman of standing committees.
20. The aldermen of London.
21. First aldermen of London.
22. Aldermen of the city of London to be gradually reduced to .
23. Term of office for aldermen of the city of London.
24. On death, &c. of chairman of standing committees, common council may elect aldermen to hold office during good behaviour.
25. Deputy mayor of London, and mayors of metropolitan boroughs to be aldermen of London.
26. As to election of aldermen or common councillors of London to mayoralty of metropolitan boroughs, or deputy mayoralty of London.
27. Who to be first aldermen of London for metropolitan boroughs.
28. Number and periodical election of aldermen for metropolitan boroughs.
29. The common councillors of London.
30. First common councillors of London.
31. Members of Metropolitan Board of Works to hold office as common councillors for residue of their terms of office on Metropolitan Board.
32. Vacancies among such members not to be filled up.
33. Council of city of London to elect common councillors of London for city.
34. Term of office of common councillors for city of London.
35. Common councillors of London for city of London to be gradually reduced to .
36. Occasional vacancies among common councillors for city of London.
37. Number and distribution of common councillors of London for metropolitan boroughs.
38. First common councillors of London for metropolitan boroughs.

Clause.
39. Election of common councillors for metropolitan boroughs.
40. In case of doubt as to aldermen or common councillors for metropolitan borough, mayor of borough to select.
41. Occasional vacancies among aldermen or common councillors for metropolitan boroughs.
42. Aldermen and common councillors of London for metropolitan boroughs to be members of corporation of London.
43. Lord mayor, deputy mayor, aldermen, and common councillors re-eligible.
44. Aldermen and common councillors of London may resign office in city or metropolitan borough.
45. Qualifications and disqualifications of aldermen and common councillors of London.
46. Penalty on persons not qualified acting as lord mayor, &c.
47. Constitution of common council not to be invalidated by omission to elect aldermen or common councillors.
48. Quorum of common council of London.
49. Common council may appoint standing and other committees.
50. Proceedings of common council to be regulated by charters and customs of city of London.
51. Minutes of proceedings of common council.
52. Common council to have sole control and management of corporation property.
53. Common council to have control over officers.
54. Common council to fix salaries, &c.
55. Common council to have cognizance of elections.
56. Common council to order application of common seal.

PART IV.

Officers of the Corporation.

57. Designation of officers of the corporation.
58. Officers need not be freemen of city.
59. Officers to continue till removed, but may resign.
60. Officers to account to common council.
61. Compensation to officers removed.
62. Sheriffs, chamberlain, &c. to be elected by common council.
63. Any alderman of London may be sheriff.

Clause.
64. Functions, &c. of sheriff not to be affected.
65. Recorder, how to be elected.
66. Common serjeant to be elected by common council.
67. Fines for non-acceptance of office.
68. As to governors of city hospitals.

PART V.

Southwark.

69. Powers of corporation of London over Southwark to cease.
70. No alderman, &c. for Bridge Without to be elected.
71. Common council to dispose of corporation property in Southwark.
72. Town hall to be built for Southwark.

PART VI.

Council of City of London.

73. Court of aldermen and council of city of London to be united.
74. Functions, &c. reserved to council of city of London.
75. Council of city of London to have powers of council of metropolitan borough.
76. Council of city of London may use separate seal.
77. Council of city of London, &c. may meet at accustomed places.
78. Aldermen and common councillors of London, as such, not to sit in lord mayor's court or city council.
79. Nothing in Act to affect lord mayor's court.
80. Nothing in Act to affect City Commissioners of Sewers.
81. Nothing in Act to affect court of lieutenancy of city.
82. Except as provided nothing in Act to affect government of wards in city, &c.
83. Nothing in Act to enlarge rights of aldermen, &c. of city.
84. Rights, &c. of freemen, liverymen, and citizens of London not to be affected.

PART VII.

Metropolitan Rates, &c.

Clause.
85. Metropolitan rates.
86. As to rates made before Act by Metropolitan Board of Works.
87. Precepts for sums assessed upon city of London, how to be directed.
88. Existing contracts, &c. of Metropolitan Board of Works to be valid.
89. Decrees, &c. made and fines imposed before Act to be enforced by or against corporation of London.
90. Existing debts and liabilities on rates to be discharged.
91. Mortgagees of rates to retain remedies.
92. Extended powers of compulsory purchase of land.
93. Provisions of Metropolis Local Management Acts to remain in force.

PART VIII.

Justices of London and County Officers.

94. Commission of the peace may be issued for county of London.
95. Aldermen of London need not be qualified by estate.
96. Justices of London to have all powers, &c. of justices of counties.
97. Justices of London to have within city of London powers of justices of city.
98. County of London to have separate prison jurisdiction.
99. As to prison authority of county of London.
100. Certificate of recorder of London sufficient for alteration, &c. of prisons.
101. Lunacy Acts, how to apply.
102. Appeals to general or quarter sessions under Licensing Acts to lie to justices of London.
103. Appeals as to county rates to lie to justices of London.
104. Clerk of the peace for city of London to become clerk of the peace for London.
105. Clerk of the peace for London to act for whole county when justices of London appointed.
106. Except as to registration of county voters.

Clause.
107. Justices of London to appoint clerk of the peace for London.
108. As to clerks of the peace for city of London or metropolitan boroughs.
109. Chamberlain of London to be treasurer of county of London.
110. Acts of Parliament as to justices, clerks of the peace, and county treasurers to apply.

PART IX.

County Rates and Transfer of County Property.

111. London county rates.
112. Common council to have powers of county justices as respects county rates.
113. Members of common council not to have powers of county justices individually.
114. As to county rates already ordered to be raised.
115. Real and personal estate vested in clerk of the peace for city of London to vest in corporation of London.
116. Secretary of State to apportion county realty and personalty between London, Middlesex, &c.
117. Secretary of State to apportion county liabilities.
118. Remedies in case of neglect to account, &c. by county officers.
119. Secretary of State may award payment of compensation for real or personal estate transferred.
120. Secretary of State may award that county officers are to be compensated by corporation of London.
121. Secretary of State may apportion mortgages on county rates.
122. Mortgagees may agree to accept security of London county rates.
123. Secretary of State to have powers of arbitrator under Common Law Procedure Acts.
124. Existing contracts of city or county justices to be valid.
125. Actions, &c. by or on behalf of city or county justices, &c. to continue.
126. Decrees, &c. made, and fines imposed to be enforced by or against corporation of London.
127. As to administrative proceedings commenced by justices of Middlesex, &c.

PART X.

Byelaws, &c.

Clause.
128. Common council may make byelaws for better carrying out of Act.
129. Nothing in Act to diminish the corporation's power of remedying defects in its constitution.
130. Byelaws to be certified, and laid before Parliament.

PART XI.

Miscellaneous.

131. Savings, &c. to accrue for benefit of corporation of London, &c.
132. Saving for Crown and Commissioners of Works.
133. Saving for Metropolitan Police Commissioners.
134. Parliamentary boundaries and electoral franchise not to be affected.
135. Inns of Court, &c. not to be affected.
136. Repeal of inconsistent Acts.
137. Provisions of Local Acts may be varied by order in council.
138. Differences to be referred to arbitration.
139. Commencement of Act.
140. Short title.
SCHEDULE A.

A

B I L L

FOR

The creation of a Corporation of London.

A.D. 1869.

WHEREAS it is expedient that the municipal institutions of the metropolis should be consolidated: May it therefore please Your Majesty that it be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.

Interpretation.

Interpretation of terms.

1. The following terms and expressions shall have in this Act the meanings hereby respectively assigned to them, except so far as the subject or the context shall be repugnant to such construction; (that is to say,) the expression "corporation of the city of London" shall mean the mayor, aldermen, and commonalty, or the mayor, commonalty, and citizens of the city of London, or by whatever other name or title of incorporation the body corporate of the said city has been heretofore incorporated, designated, or known; the expression "charters and customs of the city of London" shall include all rights, gifts, charters, grants, liberties, privileges, franchises, customs, usages, constitutions, prescriptions, and immunities, acts, and standing orders of the mayor, aldermen, and commons of the said city in common council assembled, and byelaws whatsoever, granted to, or had, used, or enjoyed, or enacted or made by, the corporation of the city of London, which shall be in force and subsisting at the commencement of this Act; the expression "common council of the city of London" shall mean the mayor, aldermen, and commons of the said city in common council assembled; the expression "court of aldermen of the city of London" shall mean the court of the mayor and aldermen of

A.D. 1869.

the city of London in the inner chamber; the expression "lord mayor's court" shall mean the court of the mayor and aldermen of London in the outer chamber; the terms "officers of the corporation of London" or "servants of the corporation of London" respectively shall include any officers heretofore appointed by the court of common hall of the said city of London; the expression "metropolitan borough" shall mean a municipal borough created within the metropolis by any Act for the establishment of municipal corporations within the same; the expression "The Metropolis Local Management Act, 1855," shall mean the Act of the eighteenth and nineteenth years of the reign of Her present Majesty, chapter one hundred and twenty, for the better local management of the metropolis; the expression "the Metropolis Local Management Acts" shall include the said Act and all Acts amending the same; the expression "the Municipal Reform Act" shall mean the Act of the fifth and sixth years of the reign of His late Majesty King William the Third, to provide for the regulation of municipal corporations in England and Wales; the expression "the Municipal Corporations Acts," shall include the Municipal Reform Act, and all Acts amending the same, and all other Acts and parts of Acts in force for the regulation of municipal corporations in England and Wales, or in relation thereto.

PART II.

The County and Corporation of London.

County of London to include the whole metropolis.

2. The county of the city of London shall bear the name of the "county of London," and shall include the whole area comprised within the outer limits of the metropolis as defined by section two hundred and fifty of "The Metropolis Local Management Act, 1855," and, subject as aforesaid, the limits of the city of London shall for the purposes of this Act be deemed to be those of the commission of sewers for the said city.

Corporation of the city of London to become the corporation of London.

3. The corporation of the city of London shall take and bear the name and title of "The mayor, aldermen, and commonalty of London," (herein-after called "the corporation of London,") and by that name and style shall have perpetual succession and a common seal; shall sue and be sued; shall hold, receive, and take all duties, tolls, revenues, real and personal estates whatsoever, which at the commencement of this Act shall be vested in the corporation of the city of London, for all such respective estates or

interests or terms of years as the said corporation now holds, receives, or takes the same; shall have full capacity, without licence in mortmain, to take, purchase, and hold land for the purposes of this Act, and of every Act of which the powers are hereby transferred to or vested in the corporation of London, or the common council of London, (as herein-after defined,) or the council of the city of London (as herein-after defined) respectively; shall have the benefit of, have, use, and enjoy all the charters and customs of the city of London, or of the corporation of the said city (which charters and customs shall hereafter be called the "charters and customs of London"); and shall be capable in law by the common council of London to do and suffer all acts which now lawfully the corporation of the city of London by the court of aldermen or the court of common council of the said city (hereafter to be termed "the council of the city of London") may do or suffer, and all other acts whatsoever which under and by virtue of this Act, or of any Act of Parliament of which the powers are hereby transferred to or vested in the corporation of London or its common council, or of any other Act of Parliament whatsoever, the corporation of London may at any time lawfully do or suffer (except such Acts as under the provisions of this Act or otherwise are or may be reserved, authorized, or provided to be done or suffered by the council of the city of London); and by the council of the city of London to do and suffer all acts which now lawfully the corporation of the city of London by the court of aldermen or the court of common council of the said city may do or suffer, and which under the provisions of this Act are reserved to be done or suffered by the council of the city of London, and all other acts which the corporation of London is by this Act authorized or required or may hereafter be authorized or required to do or suffer by the council of the city of London.

Rights of creditors, &c. of corporation not to be affected.

4. Nothing herein contained shall impair the rights or remedies of any annuitants, bond or other creditors of the corporation of the city of London, or of any persons entitled to the benefit of any trusts which at the commencement of this Act shall be vested in the said corporation, but all debts and liabilities of the said corporation shall be duly discharged, and all trusts vested in it shall be duly fulfilled, by the said corporation, notwithstanding such change as aforesaid of its name and title; nor shall such change of name and title affect any actions, suits, or other proceedings pending at the commencement of this Act.

Functions, &c. of Metropolitan

5. All functions, powers, and authorities, duties, revenues, real and personal estates whatsoever, which at the commencement of

A.D. 1869.

Board of Works to vest in corporation of London.

this Act shall be vested in the Metropolitan Board of Works (except such as shall cease or become impossible to be exercised by virtue of this Act), shall become vested in and be capable of being received and taken by the corporation of London (nevertheless, as respects such duties, revenues, real and personal estates, for all such respective estates or interests, or terms of years, and subject in all respects as the Metropolitan Board of Works now holds, receives, or takes the same); and all officers and servants of the Metropolitan Board of Works shall become officers and servants respectively of the corporation of London, for the discharge of their respective offices, subject as hereafter provided; and there shall be no new election of members of the Metropolitan Board of Works, nor (unless otherwise provided by the common council of London) of any of its officers; and so much of the Metropolis Local Management Acts as relates to the constitution and incorporation of the Metropolitan Board of Works, to its meetings, and to such of its functions, powers, and authorities as shall cease or become impossible to be exercised by virtue of this Act, shall be repealed, except as respects the going out of office of the persons who at the commencement of this Act shall be members of the said board.

Functions, &c. of corporation of London to extend over the whole county of London.

6. All functions, powers, and authorities which, under or by virtue of this Act, or otherwise howsoever, shall become vested in the corporation of London (except such as are hereby reserved or provided, or may hereafter be provided to be exercised, by the council of the city of London), shall (unless otherwise specially provided) extend over and be fulfilled or exercised, or be capable of being fulfilled and exercised, within the whole of the county of London, or all such parts of the same as the said functions, powers, or authorities shall be applicable to, or within which they shall be capable of being fulfilled or exercised.

PART III.

The Common Council of London.

The common council.

7. The common council of London shall consist of a mayor (to be styled the lord mayor of London), the chairman of standing committees of the common council, and the aldermen and common councillors of London: provided always, that it shall be lawful for the common council of London not to re-appoint a chairman of standing committees on the death or ceasing to hold office of the first such chairman.

Number of its members.

8. The total number of members of the common council of London shall, in the first instance, be *two hundred and seventy-*

six, but shall be progressively reduced in manner herein-after mentioned.

Number of aldermen of London.

9. The number of aldermen of London, exclusively of the lord mayor and chairman of standing committees of the common council (who shall nevertheless be reckoned as such aldermen, but shall take precedence of all others), shall in the first instance be *fifty-two*, but shall be reduced progressively as herein mentioned.

Number of common councillors.

10. The number of common councillors of London shall in the first instance, be *two hundred and twenty-one*, but shall be reduced eventually to *one hundred and seventy-one*.

First lord mayor of London under Act.

11. The person who at the commencement of this Act shall, under the charters and customs of the city of London, be mayor of London, shall be the first lord mayor of London (herein-after called "lord mayor") under this Act.

Term of office and qualification of lord mayor.

12. The lord mayor shall hold office for the space of one year. Except as aforesaid, he shall be elected by the common council of London, and shall be an alderman of London not for the time being holding the office of deputy mayor of London, or of mayor of a metropolitan borough; and from and after the commencement of this Act the power or authority of the court of common hall, or of the liverymen of the city of London, to nominate a mayor of London, shall cease, and no court of common hall shall be held for the purpose of such nomination.

Election and admission to office of lord mayor.

13. The election and admission to office respectively of the lord mayor shall take place (unless otherwise provided by the common council of London from time to time) on the same respective days as the election and admission to office respectively of the mayor of London now take place by virtue of the charters and customs of the city of London, and the first such election shall take place on the *twenty-ninth September* and the first such admission to office on the *ninth November* next following the commencement of this Act.

Customary legal formalities as to such admission to office to be observed.

14. All legal formalities which have heretofore been customarily observed and fulfilled in respect to the admission to office of the mayor of London shall or may continue to be observed and fulfilled in respect to the admission to office of the lord mayor; but the common council of London shall have power to dispense with any ceremonies in reference thereto which they may deem unnecessary.

Lord mayor to retain all present dignity and powers.

15. The lord mayor shall at all times have and retain such dignity and precedence in all respects as the mayor of London has now, and shall or may fulfil and exercise all duties, rights,

A.D. 1869.

functions, powers, and authorities which by any law or statute, or by the charters and customs of the city of London, should or might be fulfilled and exercised by the mayor of London, and shall and may use a seal of office as the mayor of London hath accustomed to do.

First lord mayor may appoint deputy mayor for city of London.

16. The first lord mayor shall have power to appoint under his hand from among the aldermen of the city of London a deputy mayor of London, who, in the absence of the lord mayor, shall, during his term of office, have, enjoy, and exercise all precedence, power, authority, and jurisdiction within the city of London which the mayor of London could have, enjoy, and exercise.

Occasional vacancies in mayoralty of London.

17. If the lord mayor should die or cease to hold office before the expiration of his term of office as lord mayor, the deputy mayor of London shall become lord mayor for the remainder of the then current year of office of the lord mayor, with power to appoint a deputy mayor of London as herein provided.

Election of future deputy mayors.

18. Subject as aforesaid, the deputy mayor of London shall always be elected by the council of the city of London from among the aldermen of the said city, and shall hold office for one year; and until the number of aldermen of London for the said city shall be reduced to , exclusively of the said deputy mayor, such deputy mayor shall be elected from among the aldermen of London for the said city.

Present chairman of Metropolitan Board of Works to be chairman of standing committees.

19. The person who at the commencement of this Act shall be chairman of the Metropolitan Board of Works shall be chairman of standing committees of the common council of London during his life, unless he shall sooner resign, or be removed by a resolution agreed to by two thirds of the members of such common council present at any meeting of the same specially convened for considering the question of such removal: provided always, that if Sir John Thwaites, knight, shall be the person who under this clause would be entitled to hold such office, and shall decline to accept, or shall at any time resign the same, he shall be entitled to such yearly sum during his life, by way of retiring pension, (not being less than three quarters of the yearly salary for the time being paid to him as chairman of the Metropolitan Board of Works or of standing committees as the case may be respectively,) as the common council of London shall direct, such retiring pension to commence from the date of his declining to hold or resigning office, and to be paid by equal quarterly payments.

The aldermen of London.

20. No person shall hereafter be styled an alderman of London unless he shall be a member of the common council of London;

and the successors of the persons who shall be aldermen of the city of London at the commencement of this Act, other than such as shall be members of the common council of London, from time to time, shall be styled aldermen of the city of London.

First aldermen of London.

21. The first aldermen of London (exclusively of the lord mayor and chairman of standing committees) shall be—

First, all the persons who, at the commencement of this Act, shall be aldermen of the city of London:

Second, all the persons who, at the commencement of this Act, shall be mayors of metropolitan boroughs:

Third, two persons for every borough who, at the commencement of this Act, shall be aldermen of such borough.

Aldermen for city of London to be gradually reduced to five.

22. No vacancy, from whatever cause, arising in the common council of London amongst the persons who at the commencement of this Act shall be aldermen of the city of London, shall be filled up until the number of aldermen of the said city who shall be aldermen of London shall be reduced to five, exclusively of the deputy mayor of London, from which time every such vacancy shall be filled through the election, within fourteen days after the occurrence of the same, by the council of the city of London, of one of the aldermen of the said city to be an alderman of London for the said city.

Term of office of aldermen of London for city of London.

23. Every alderman of London elected for the city of London (except the deputy mayor of London) shall hold office as such alderman so long as he shall well behave himself: provided always, that it shall be lawful for the council of the city of London from time to time to fix a term (not being less than *six* years) during which aldermen of the city of London shall hold office as aldermen of London, and to regulate the time and manner of the election of aldermen of London for the city of London.

On death &c. of chairman of standing committees, common council may elect alderman to hold office during good behaviour.

24. On the death or ceasing to hold office of the chairman of standing committees, it shall be lawful for the common council of London to elect one of its members to be an alderman of London for so long as he shall well behave himself, and either to appoint such alderman chairman of standing committees, or to invest him with such functions and powers as the common council of London shall think fit, and on the death or ceasing to hold office of such alderman, or any alderman who may be elected in his place, to elect another from time to time in like manner.

Deputy mayor of London and

25. The deputy mayor of London, and the mayor of every metropolitan borough, shall, whilst holding office as such, respec-

A.D. 1869.

mayors of metropolitan boroughs to be aldermen of London.

tively be and remain aldermen of London; and every cause, matter, or thing which shall disqualify either from acting as deputy mayor of London, or as mayor of a metropolitan borough, (as the case may be,) shall also disqualify him from acting as alderman of London.

As to election of aldermen or common councillors of London to mayoralty of metropolitan borough or deputy mayoralty of London.

26. If an alderman of London be elected deputy mayor of London or mayor of a metropolitan borough, his office as such alderman shall not be vacated, but the council of the city of London, or of such borough, (as the case may be,) shall elect another alderman to supply his place as alderman of London during the year of his deputy mayoralty or mayoralty. If a common councillor of London be elected mayor of a metropolitan borough, his office as common councillor shall be held to be vacated during the year of his mayoralty, and the council of such borough shall elect another councillor to supply his place during the said year, but he shall be entitled, at the expiration of the year of his mayoralty, to resume office as common councillor of London for the residue (if any) then unexpired of his term of office as such common councillor which had been current at the time of his election as mayor.

Who to be first aldermen of London for metropolitan boroughs.

27. In case only one election of aldermen in any metropolitan borough (except to fill an occasional vacancy) shall have taken place before the commencement of this Act, the two aldermen of such borough who shall become the first aldermen of London for the same besides the mayor of such borough shall be those who have received the largest number of votes at such election of any aldermen for the time being in office who were elected thereat; but in case two or more such elections (except as aforesaid) shall have taken place then the alderman who shall have received the largest number of votes at the election last but one before the commencement of this Act of any aldermen for the time being in office who were elected at such election, and the alderman who shall have received the largest number of votes at the election next before the commencement of this Act of any aldermen for the time being in office who were elected at such election, shall become the first aldermen of London for such borough besides the mayor; and every such alderman shall hold office as such for the residue unexpired at the time of his election as alderman of London of his current term of office as alderman of such borough; except that if both the first aldermen of London for any metropolitan borough shall have been elected at the same election, one of them, to be determined by lot amongst themselves, shall go out of office on the day of the first periodical election of aldermen in such borough after the commencement of this Act.

Number and periodical elections of aldermen for metropolitan boroughs.

28. The number of aldermen of London for each metropolitan borough shall always be *two*, exclusively of the mayor; and at every election of aldermen for any metropolitan borough which shall take place after the commencement of this Act (except to fill an occasional vacancy) one alderman of such borough, being the one who shall receive the largest number of votes at such election, shall become alderman of London for such borough, and shall hold office as such (unless he shall sooner resign or become disqualified) for the whole of his current term of office as alderman of such borough.

The common councillors of London.

29. No person shall hereafter be styled a common councillor of London unless he shall be a member of the common council of London, and the members of the present common council of the city of London, other than such as shall be members of the common council of London, from time to time, shall be styled councillors of the city of London.

First common councillors of London.

30. The first common councillors of London shall be—

First, the forty-four persons (other than the chairman or than any alderman or aldermen elected for the city of London) who at the commencement of this Act shall be members of the Metropolitan Board of Works:

Second, forty-two members of the council of the city of London, to be elected as herein-afer mentioned:

Third, one hundred and thirty-six councillors of the several metropolitan boroughs, to be elected as herein-after mentioned, in the proportions set forth in Schedule A. to this Act annexed.

Members of Metropolitan Board of Works to hold office as common councillors for residue of their terms of office on Metropolitan Board.

31. The persons who shall be members of the Metropolitan Board of Works at the commencement of this Act shall retain office as common councillors of London for the residue of the respective terms of office for which they were respectively elected members of the said Metropolitan Board, unless they shall sooner resign or become disqualified; and every cause, matter, or thing which would have disqualified any such person from acting as a member of the Metropolitan Board of Works shall also disqualify him from acting as a common councillor of London.

Vacancies among such members not to be filled up.

32. No vacancy among the common councillors of London arising from the expiry of the term of office, under the Metropolis Local Management Act, 1855, of any member of the Metropolitan

Board of Works, or from his death or ceasing to hold office before the expiry of such term, shall be filled up.

Council of city of London to elect common councillors of London for city.

33. The council of the city of London shall, at some meeting to be held before the commencement of this Act, elect *forty-two* of its members to be common councillors of London for the city of London, who shall hold office until the weekday next following the day of the annual election of councillors of the said city; and on such weekday, and on every succeeding weekday next following the day of the annual election of councillors of the said city, the county of the said city shall elect from among its members such number of common councillors of London as, under the provisions of this Act, it shall be entitled to elect for the time being.

Term of office of common councillors for city of London.

34. Common councillors of London, elected for the city of London, shall hold office, unless sooner removed or disqualified, for the space of one year; but it shall be lawful for the council of the city of London to extend the term of office of common councillors of London for the city of London to not exceeding two years, so nevertheless that the total number of common councillors of London for the said city hereby allowed for the time being shall not thereby be increased.

Common councillors of London for city of London to be gradually reduced to

35. So long as the aldermen of London for the city of London shall exceed *five* in number (inclusively of the deputy mayor of London) no vacancy among the common councillors of London for the said city, arising otherwise than by expiry of the term of office of any such common councillor, shall be filled, and the number of common councillors of London to be yearly elected by the council of the city of London shall be reduced by one every year, until the aggregate number of aldermen (including the lord mayor, if any, and the deputy mayor,) and common councillors shall be reduced to forty-one; but if the number of aldermen of London for the said city shall then exceed six, inclusively of the lord mayor, if any, and the deputy mayor, then, upon any subsequent vacancy in the office of an alderman of London for the said city, the council of the said city shall thereupon and from thenceforth annually be entitled to elect one additional common councillor of London for the said city, until the total number of aldermen of London for the said city shall be six, inclusively of the lord mayor, if any, and the deputy mayor, and of common councillors of London for the said city thirty-five, which said numbers of six and thirty-five shall from thenceforth be the fixed number of aldermen and common councillors of London respectively for the said city.

Occasional vacancies among common councillors for city of London.

36. In case of any occasional vacancy among the common councillors of London arising through the death or ceasing to hold office before the expiry of his term of a common councillor of London for the city of London, after the aggregate number of aldermen and common councillors of London for the said city shall have been reduced to forty-one, the council of the city of London shall elect another councillor of the said city to supply such vacancy; and every common councillor of London elected by the said council to supply an occasional vacancy shall hold office for the residue of the term of office of the person in whose place he shall be elected which was current at the time when the vacancy occurred.

Number and distribution of common councillors of London for metropolitan boroughs.

37. The number of common councillors of London for the metropolitan boroughs shall always be *one hundred and thirty-five*, and such common councillors shall be elected for the several boroughs respectively in the proportions set out in Schedule A. to this Act annexed.

First common councillors of London for metropolitan boroughs.

38. The persons who shall become the first common councillors of London for every metropolitan borough shall be the councillors who received the largest number of votes of any councillors in office at the commencement of this Act, who were elected at the periodical election, or the last periodical election of councillors for the said borough previous to the commencement of this Act; and every such common councillor shall retain his office (unless he shall sooner resign or become disqualified to act) until the next periodical election of councillors for such borough after the commencement of this Act.

Election of common councillors for metropolitan boroughs.

39. The elections of common councillors of London for the several metropolitan boroughs shall take place yearly on the same days and in the same manner as the annual elections of councillors of such boroughs, beginning with the first such annual election which shall take place after the passing of this Act; and every person entitled to vote in the election of councillors of a metropolitan borough shall be entitled to vote in the election of common councillors of London for the same, and every such person may either include the names of the persons for whom he votes as common councillors, with the addition of the words or initials "common councillor," or "c. c.," in the voting paper containing the names of the persons for whom he votes as councillors, or may deliver in a separate voting paper containing the names of the persons for whom he votes as common councillors, with such addition as aforesaid; and the persons to be elected common councillors for any metropolitan borough may either be already councillors of such borough, or may be elected councillors of the same at such election simultaneously with their election as common councillors, or may be any other persons qualified to be elected councillors of such borough; and the votes for common councillors shall be received at any place where votes are received for councillors of the same borough for which such common councillors stand for election.

In case of doubt as to aldermen or common councillors for metropolitan borough, mayor of borough to select.

40. In case any doubt shall arise by reason of equality of votes at any election of aldermen or councillors for a metropolitan borough as to the person who should be entitled to become an alderman or common councillor of London for such borough, under the provisions of this Act, the mayor of such borough shall select from among the aldermen or common councillors of the same (as the case may be) respecting whom such doubt arises one who shall become alderman or common councillor of London (as the case may be) for such borough.

Occasional vacancies among aldermen or common councillors for metropolitan boroughs.

41. In case of any occasional vacancy amongst the aldermen or common councillors of London arising through the death or ceasing to hold office before the expiry of his term of an alderman or common councillor for a metropolitan borough, the council of such borough shall elect another alderman or councillor of the same (as the case may be) to supply the vacancy; and every alderman or councillor so elected shall hold office as alderman or common councillor of London respectively (as the case may be) during the residue only of the term of office of the alderman or common councillor respectively in whose place he shall be elected which was current at the time when the vacancy occurred.

Aldermen and common councillors of London for metropolitan boroughs to be members of corporation of London.

42. Every mayor of a metropolitan borough, and every alderman and councillor of a metropolitan borough who shall be an alderman or common councillor of London, shall, whilst holding office as such mayor or alderman or common councillor of London respectively, be a member of the corporation of London.

Lord mayor, deputy mayor, aldermen, and common councillors, re-eligible.

43. The lord mayor deputy mayor, and every alderman and common councillor of London going out of office shall be always re-eligible, if qualified for office.

Aldermen and common councillors of London may resign office in city or metropolitan borough.

44. Every alderman and common councillor of London, being an alderman or councillor of the city of London or of any metropolitan borough, may resign his office as alderman or councillor of the city of London or of such metropolitan borough without thereby resigning his office as alderman or common councillor of London, and shall, notwithstanding such resignation of his office of alderman or councillor of the city of London, or of a metropolitan borough, be entitled to fulfil the same term of office as an alderman or common councillor of London as if he had not resigned such office of alderman or councillor of the city of London or of a metropolitan borough respectively.

Qualifications and disqualifications of aldermen and common councillors of London.

45. Any person who, under the charters and customs of the city of London or under the Municipal Corporation Acts respectively, as the case may be, may be qualified to be alderman or councillor of the said city or of a metropolitan borough respectively, may be qualified to be alderman or common councillor of London for the said city or for a metropolitan borough respectively, and any act, matter, or thing which, under the charters and customs of the city of London or under the Municipal Corporation Acts respectively, would disqualify any such person from holding the office of alderman or councillor of the said city or of a metropolitan borough respectively, as the case may be, or from acting as such respectively, shall also disqualify him from holding office as lord mayor or deputy mayor of London, alderman or common councillor of London for the said city or for a metropolitan borough respectively, or from acting as such respectively, as the case may be.

Penalty on persons not qualified acting as a lord mayor, &c.

46. If any person act as lord mayor, deputy mayor, alderman, or common councillor of London without being duly qualified or after he shall cease to be qualified or have become disqualified to hold such office, he shall for every such offence forfeit such sum of money and to be recovered in such manner in all respects as by the charters and customs of the city of London is provided in the case of persons acting as mayor, aldermen, or councillors of London respectively, as the case may be, in the like event; every such penalty to be cumulative with and not in substitution for any penalty or penalties incurred by any such person for acting as mayor, deputy mayor, alderman, or councillor of the city of London or of a metropolitan borough respectively without being duly qualified or after ceasing to be qualified or becoming disqualified to hold such respective office: provided always, that all acts and proceedings of any person in possession of the office of lord mayor, deputy mayor, alderman, or common councillor of London, and acting as such respectively, shall, notwithstanding his disqualification or want of qualification, be as valid and effectual as if he had been duly qualified.

Constitution of common council not to be invalidated by omission to elect alder-

47. The constitution of the common council of London shall not be invalidated, nor shall any of its proceedings be prejudicially affected, by any omission, failure, or refusal on the part of the council of the city of London, or of any metropolitan borough, or of the electors of the same, to elect any aldermen or common councillors of London,

A.D. 1869.

men or common councillors.

nor by the omission or refusal of any person elected alderman or common councillor of London to take up and fulfil his office.

Quorum of common council of London.

48. The quorum of the common council of London shall be *thirty*, of whom the lord mayor, or in his absence the deputy mayor of London, shall be one, and which shall comprise at least two other aldermen of London.

Common council may appoint standing and other committees.

49. The common council of London shall and may from time to time appoint, and again revoke and dissolve, such and so many standing and other committees, composed of any one or more of its members, as it may think fit, for the transaction of business, and may delegate to and distribute among the said committees or any of them such and so many of its duties, powers, and authorities as it may think fit from time to time.

Proceedings of common council to be regulated by charters and customs of city of London.

50. The proceedings of the common council of London and of its committees shall be regulated (except as herein provided, or as the said common council shall from time to time determine,) by the charters and customs of the city of London relating to the common council of the said city and to its committees, and a printed copy of such charters and customs, so far as they apply to such proceedings, shall be supplied to every member of the common council of London.

Minutes of proceedings of common council.

51. Minutes of all proceedings of the common council of London shall be entered in the existing repertories of the city of London for the proceedings of the court of aldermen of the said city.

Common council to have sole control and management of corporation property.

52. The common council of London shall have the sole control and management of all duties, tolls, revenues, real and personal estate whatsoever, of or belonging to or vested in or which may be in the hands of the corporation of London, now or at any time hereafter, and shall have the sole custody and control of all charters, deeds, records, muniments, and documents whatsoever belonging to or concerning the said corporation, except such rates as may be lawfully levied by the council of the city of London, or by the commissioners of sewers of the city of London, under the provisions of this or any other Act of Parliament, and except such records, muniments, and documents as the common council of London may from time to time see fit to leave or place in the custody or control of the council of the city of London.

Common council to have control over officers.

53. The common council of London shall have and exercise such authority, control, and jurisdiction over all officers and servants of the corporation of London, whether elected or appointed before or after the commencement of this Act, (except those whose election or appointment is hereby reserved to or vested in the council of the city of London,) as the court of aldermen and the common council of the city of London, or either of them respectively, has now; and the common council of London may from time to time discontinue the appointment of such officers and servants as shall appear to the common council of London not necessary to be re-appointed, and may also appoint and again revoke from time to time new or additional officers and servants of the corporation of London, on such conditions, under such securities, with such qualifications, functions, and powers, and for such terms of office respectively, as it may think fit, from time to time, for the better fulfilment and exercise of the functions, powers, and authorities of the corporation of London.

Common council to fix salaries, &c.

54. The common council of London shall and may from time to time fix and determine the salary of the lord mayor, and also (if it shall think fit) of the deputy mayor of London, (the salary of the lord mayor not to be less than the salary now paid to the mayor of the city of London,) the salary of the chairman of committees of the common council (not to be less than that of the chairman of the Metropolitan Board of Works at the commencement of this Act), and the salaries and remunerations of all other officers and servants of the corporation of London (except those whose appointment is hereby reserved to or vested in the council of the city of London), and may also allow to the standing and other committees of the common council of London such yearly or other sums of money for the attendance of the members of such committees as it shall think fit from time to time.

Common council to have cognizance of elections.

55. The common council of London shall have such and the same cognizance of the election of aldermen and common councillors of London as the court of aldermen of the city of London now has of the election of common councillors of the said city, and shall in that behalf be a court of record.

Common council to order application of common seal.

56. The common council of London shall have sole power and authority from time to time to alter or renew the common seal of the corporation of London, and (except in cases where a separate seal is hereby authorized to be used by the council of the city of London) to order the application of the said common seal of the corporation of London to any deed, document, or writing to which the same should or lawfully may be applied.

A.D. 1869.

PART IV.

Officers of the Corporation.

Designation of the officers of the corporation.

57. The sheriffs, recorder, chamberlain, common serjeant, and all other officers of the city of London, except those who may be appointed or elected by the council of the city of London, or any committee of the same, the court of common hall, or the commissioners of sewers of the said city, under the provisions of this Act, shall from and after the commencement of this Act, according to the titles of their respective offices, be styled officers of London, and not of the city of London; but every officer appointed or elected by the council, the court of common hall, or the commissioners of sewers of the city of London, shall, according to his respective title of office, be styled an officer of the city of London, and not an officer of London.

Officers need not be freemen of city.

58. No officer or servant of the corporation of London, who by this Act is placed under the control of the common council of London, or may hereafter be appointed or elected by the same, shall need to be a freeman of the city of London, anything in the charters and customs of the said city to the contrary notwithstanding.

Officers to continue till removed, but may resign.

59. Every officer and servant of the corporation of the city of London who by this Act is placed under the control of the common council of London, and every officer and servant of the Metropolitan Board of Works, unless and until removed by the common council of London, shall continue to act in the same capacity as heretofore, and to execute all duties heretofore belonging to his office, and be entitled to have the same salary, fees, or emoluments as he would have had if this Act had not passed: provided always, that it shall be lawful for any such officer or servant to resign his office or service, by notice under his hand to the common council of London, to be delivered or sent to the lord mayor at least one fortnight before a day to be therein signified for such resignation.

Officers to account to common council.

60. Every officer and servant of the corporation of London, heretofore an officer or servant of the corporation of the city of London, who by this Act is placed under the control of the common council of London, or heretofore an officer or servant of the Metropolitan Board of Works, and every officer and servant hereafter to be appointed by the common council of London, shall from time to time and at all times account to the common council of London, or to such persons as such common council may appoint from time to time, for all matter committed to his charge, and for all monies received by him, and shall, when required by the said common council, deliver up and pay, as it shall appoint from time to time, all monies, goods, valuable securities, books, deeds, and papers belonging to or concerning the corporation of London or the Metropolitan Board of Works which may be in his possession or receipt; and if any such officer or servant, heretofore an officer or servant of the corporation of the city of London, shall at any time refuse or wilfully neglect to render account of, deliver up, or pay any such securities, monies, or other things as aforesaid, such person shall be liable to such process, punishment or penalty as under the charters or customs of the city of London is provided in the like case; and if any such officer or servant, heretofore an officer or servant of the Metropolitan Board of Works, shall so refuse or neglect, such person shall be liable to such process, punishment, or penalty as under the Metropolis Local Management Acts is provided in the like case.

Compensation to officers removed.

61. The provisions of the Municipal Reform Act, sections sixty-six and sixty-seven, as to the compensation of officers, shall apply to every officer of the corporation of the city of London, or of the Metropolitan Board of Works, whose office shall be abolished, or who shall be removed from office by the common council of London under the provisions of this Act, or who shall not be re-appointed as aforesaid, the said enactments being read as if the words "common council of London" were therein contained instead of "council," or "council of the borough;" the words "funds of the corporation of London, instead of "borough rate" or "borough fund;" the words "lord mayor," instead of "mayor;" the word "chamberlain," instead of "treasurer;" and the words "common seal of the corporation of London," instead of the words "common seal of the borough out of whose funds the same shall be payable;" and for the purposes of such compensation any office held from year to year, but of which since the beginning of the present century the holder for the time being hath been customarily re-elected, may be considered a permanent one.

Sheriffs, chamberlain, &c. to be elected by common council.

62. The sheriffs, the chamberlain, the auditors of accounts, and the bridge masters of London shall, from and after the first vacancies in the said offices respectively which shall take place after the commencement of this Act, be from time to time elected by the common council of London; and the powers of electing sheriffs, of electing a chamberlain, of electing auditors of accounts, and of electing bridge masters, heretofore vested in the court of common hall of the said city shall cease: provided always, that, until the common council of London shall otherwise determine, the said several officers shall hold office for the same periods, if any, and (except as herein expressly provided) under the same conditions and shall be elected at the same times respectively as heretofore.

Any alderman of London may be sheriff.

63. Any alderman of London may be elected a sheriff of London.

Functions, &c. of sheriffs not to be affected.

64. Nothing herein contained shall affect the functions, powers and authorities of the sheriffs of London, whether acting as sheriffs of London or as sheriff of Middlesex.

Recorder, how to be elected.

65. The recorder of London shall be elected by the common council of London, subject to the approval of Her Majesty, to be signified by the Lord High Chancellor of Great Britain.

Common serjeant to be elected by common council.

66. The common serjeant of London shall be elected by the common council of London.

Fines for non-acceptance of office.

67. Every person, duly qualified, who shall be elected to the office of lord mayor, deputy mayor, sheriff, alderman, or common councillor of London, or to any office under the corporation of London, for the non-acceptance of which a fine would be payable under the charters and customs of the city of London, shall accept the office to which he shall have been elected, or shall in lieu thereof pay to the corporation of London such fine as, under the charters and customs of the city of London, he would be liable to pay for the non-acceptance of the office of mayor, sheriff, alderman, or councillor of London, or other the office to which he shall have been elected (a deputy mayor being liable to pay the same fine as if elected lord mayor); but every such person shall be entitled to claim the like exemptions from accepting or serving office as under the charters and customs of the city of London he would be entitled to in the like event.

As to governors of city hospitals.

68. Every alderman of London shall, during his term of office, be ex officio a governor of the hospitals of Edward the Sixth King of England of Christ, Bridewell, and St. Thomas the Apostle, and of the hospitals of Henry the Eighth King of England called the House of the Poor in West Smithfield, and of the house and hospital called Bethlehem; and the common council of London shall have power to appoint the twelve commissioners for every of the said hospitals whom, under the Act of the twenty-second year of the reign of His late Majesty King George the Third, chapter seventy-seven, the common council of the city of London is authorized to appoint.

PART V.

Southwark.

69. All powers, authorities, and jurisdictions whatsoever which the corporation of the city of London, or the mayor or any of the courts or officers of the same, have, or h , by virtue of any law or statute, or of the charters or customs of the city of London, at any time heretofore had or exercised, or claimed to have or exercise, over or within the borough of Southwark or any part of the same, or the ward of Bridge Without, (except the right to recover and receive such duties, tolls, or revenues as under the provisions of this Act or otherwise may be placed under the control of the common council of London, and all powers and authorities incidental to such recovery or receipt,) shall absolutely cease and determine.

Powers of corporation of London over Southwark to cease.

70. No further election of an alderman, or a justice, or of any clerks to justices, or other officers for the ward of Bridge Without, shall take place after the passing of this Act; but nothing in this clause contained shall affect the interests of the present holders of the said respective offices as officers of the corporation of London respectively.

No alderman, &c. for Bridge Without to be elected.

71. The common council of London shall take such steps as it shall think fit for disposing of such lands, offices, and other real and personal property of the corporation of London within the borough of Southwark, if any, (other than the Bridge House estates,) as shall not be required by the said corporation for the purposes of this Act, and for otherwise releasing and enfranchising the said borough of Southwark and the inhabitants thereof from all control of the said corporation; and, subject as aforesaid, all charters and customs of the city of London relating to the borough of Southwark, or to the ward of Bridge Without, or to any of its courts or officers, shall absolutely cease and be void.

Common council to dispose of corporation property in Southwark.

72. The common council of London shall, at the expense of the funds of the corporation of London, build a town hall for the borough of Southwark, upon such terms as may be agreed on between the said common council and the council of the said borough.

Town hall to be built for Southwark.

PART VI.

Council of City of London.

73. From and after the commencement of this Act, the court of aldermen of the city of London shall cease to sit apart from

Court of aldermen and council of city of London to be united.

A.D. 1869.

the council of the city of London, and to fulfil or exercise any separate and distinct functions, rights, powers, or authorities from those of the said council.

Functions, &c. reserved to council of city of London.

74. The following functions, rights, powers, and authorities are by this Act reserved to or vested in the council of the city of London; viz.,

The jurisdiction heretofore exercised by the court of aldermen of the said city in respect of the election of officers in the wardmotes of the said city and of councillors and other officers of the said city:

All functions, rights, powers, and authorities which at the commencement of this Act shall concern the committee of livery of the said court:

The election of a clerk and assistant clerk to the deputy mayor of London:

The election of the coroner of the said city:

The nomination and appointment of the commissioners of sewers of the city of London:

The election of the clerk of the works of the city of London:

The power to appoint, and from time to time replace or dismiss, all such officers, clerks, and servants as the said council may deem it necessary or expedient to employ for the better carrying on of the business of the same:

The power from time to time (subject as herein provided) to fix the salaries, compensations, or remunerations of the deputy mayor of London, and of all officers, clerks, and servants whom the council of the said city is hereby authorized to appoint:

The power to order all payments which heretofore have been or might have been lawfully made out of the cash or funds of the said city, in, for, or towards the fulfilment and exercise of the functions, rights, powers, and authorities hereby reserved to the council of the said city:

The power to make byelaws and acts of council for the better fulfilment and exercise of the duties, rights, powers, and authorities hereby reserved to the council of the city of London:

All functions, powers, and authorities heretofore exercised by the court of aldermen or the common council of the city of London in reference to the city police:

All functions, powers, and authorities incident or subsidiary to the fulfilment and exercise of the functions, rights, powers, and authorities hereby reserved to the council of the city of London:

A.D. 1869.

provided always, that any byelaw, act of council, or proceeding whatsoever of the council of the city of London which shall be contrary to or inconsistent with the provisions of this Act shall be void.

Council of city of London to have powers of council of metropolitan borough.

75. Subject as herein mentioned, the council of the city of London shall have and exercise all the powers and authorities within the said city (including the powers to raise borough rates) which the council of any metropolitan borough may have and exercise within such borough.

Council of city of London may use separate seal.

76. For the better fulfilment and exercise of the functions, rights, powers, and authorities hereby reserved to or vested in or which may hereafter become vested in the council of the city of London, the common council of London may from time to time provide a separate seal of the corporation of London, to remain under the control and custody of and to be used by the council of the said city, and of which the said council may from time to time order the application to any deed, document, or writing required for or employed in the fulfilment and exercise of the functions, rights, powers, and authorities so reserved to or vested in the said council, to which the same should or lawfully might applied; and every such deed, document, or writing, sealed with the said seal by order of the council of the city of London, shall be of the same force and validity in all respects as if sealed with the common seal of the corporation of London by order of the common council of London.

Council of city of London, &c. may meet at accustomed places.

77. The council of the city of London, and the court of common hall of the said city, shall or may meet at such places as hath been heretofore accustomed respectively, so far as such respective places of meeting shall not be required by the common council of London for the purposes of this Act, and, until otherwise provided by the said common council, shall, for the purposes of such their respective meetings, have and retain the use of such articles and things the property of the corporation of London, and of the services of such officers and servants of the corporation of London hereby placed under the control of the common council of London, as the courts of aldermen, common council, and common hall of the said city respectively have been accustomed to use in or for the transaction of business, either gratuitously or for such compensation as may be agreed upon between the common council of London and the council of the city of London in every such case respectively.

Aldermen and common councillors

78. Nothing in this Act contained shall be construed to give to any alderman or common councillor of London (except the lord

A.D. 1869.

of London, as such, not to sit in lord mayor's court or city council.

mayor), who shall not be also an alderman or councillor (as the case may be) of the city of London, any right to sit in the lord mayor's court, or in the council of the said city.

Nothing in Act to affect lord mayor's court.

79. Nothing in this Act contained shall affect the constitution, jurisdiction, functions, powers, or proceedings of the lord mayor's court, except as respects the right of the lord mayor, although not a citizen or alderman of London, to sit in or preside over the same.

Nothing in Act to affect city commissioners of sewers.

80. Except as herein specially provided, nothing in this Act contained shall affect the constitution, powers, or proceedings of the commissioners of sewers of the city of London, or of any of their officers, or the provisions of "The City of London Sewers Act, 1848," as amended by "The City of London Sewers Act 1851."

Nothing in Act to affect court of lieutenancy of city.

81. Nothing in this Act contained shall affect the constitution, powers, privileges, or proceedings of the court or commissioners of lieutenancy for the city of London.

Except as provided, nothing in Act to affect government of wards in city, &c.

82. Except as herein specially provided, nothing in this Act contained shall affect the government of any ward or wards into which the city of London is divided, or the election or qualification of the aldermen or councillors of the said city, or of the persons entitled to vote in the election of the same respectively, or the constitution, holding, and proceedings of the council of the city of London, or the court of common hall of the said city, or the functions, powers, and authorities of deputies, or shall in anywise diminish or prejudice the rights, powers, and privileges of the aldermen or councillors of the city of London in their respective individual capacities; and, except as aforesaid, all charters and customs of the city of London relating to the officers of the said city, to the court of aldermen, and to the common council of the same respectively, shall continue to apply to the officers of London and of the city of London respectively, and to the council of the said city, as if this Act had not been passed.

Nothing in Act to enlarge rights of aldermen, &c. of city.

83. Provided always, that nothing in this Act contained shall be construed to enlarge the rights, powers, and privileges of any of the aldermen or councillors of the city of London, not being aldermen or common councillors of London, or of any officer of the city of London, or to enable the same to be enjoyed and exercised elsewhere than within the said city of London, or to enlarge the powers, privileges, and jurisdictions of the lord mayor's Court, or of the council of the said city.

Rights, &c. of freemen liverymen,

84. Except as herein specially provided, nothing in this Act contained shall affect the rights, privileges, franchises, and immunities of any freeman, liveryman, or citizen of London; but nothing herein contained shall be construed in any wise to enlarge or extend the same or any of them.

and citizens of London not to be affected.

PART VII.

Metropolitan Rates, &c.

Metropolitan rates.

85. Rates which by the Metropolis Local Management Acts are authorized to be raised by the Metropolitan Board of Works shall, when raised by the corporation of London, under the provisions of this Act, be termed "metropolitan rates."

As to rates made before Act by Metropolitan Board of Works.

86. All rates made by the Metropolitan Board of Works previously to the commencement of this Act, or so much thereof as may not then have been levied and paid, shall be levied and paid to the corporation of London, to be applied, so far as circumstances admit, to the same purposes as the same would have been applicable to if this Act had not been passed.

Precepts for sums assessed upon city of London, how to be directed.

87. Any precept for obtaining payment of sums assessed upon the city of London which under the Metropolis Local Management Acts should be directed to the chamberlain of the said city shall be directed to the council of the city of London, and the provisions of the said Acts relating to the payment by the said chamberlain of the sums required by any such precept to be paid shall apply to the council of the city of London.

Existing contracts, &c. of Metropolitan Board of Works to be valid.

88. All contracts, agreements, bonds, covenants, or securities made or entered into with or in favour of the Metropolitan Board of Works, or any person on their behalf, before the commencement of this Act, shall remain as valid and effectual and be proceeded on and enforced as if this Act had not been passed; and no action, suit, prosecution, or proceeding commenced or carried on by or against the Metropolitan Board of Works shall abate or be discontinued or prejudicially affected by this Act, but the same shall continue and take effect as if this Act had not been passed; and all monies coming to the Metropolitan Board of Works under any such contract, agreement, bond, covenant, security, action, or proceeding shall be paid over to the common council of London, or as they may direct, and be applied for the like purposes as the same might have been applied to by the Metropolitan Board of Works if this Act had not been passed; and all monies and liabilities which the Metropolitan Board of Works would have been liable to pay or discharge under any such contract, agreement, bond, covenant, security, action, suit, or proceeding, out of

A.D. 1869.

any rates levied by the said board under the powers of the Metropolis Local Management Acts, and all costs, damages, and expenses which the Metropolitan Board of Works might, if this Act had not been passed, have legally defrayed out of any such rates, shall be paid out of the metropolitan rates to be levied by the common council of London.

Decrees, &c. made and fines imposed before Act to be enforced by or against corporation of London.

89. All decrees and orders made, fines and penalties imposed and incurred, respectively, previously to the commencement of this Act, in any action, suit, or proceedings by or on behalf of or against the Metropolitan Board of Works, shall and may be enforced, levied, recovered, and proceeded for by or on behalf of or against the corporation of London, and all administrative proceedings commenced previously to the commencement of this Act shall and may be continued and completed by the said corporation, the corporation of London being, in reference to the matters aforesaid, in all respects substituted in the place of the said board.

Existing debts and liabilities on rates to be discharged.

90. All debts and liabilities legally charged upon or payable out of any rates or assessments authorized by the Metropolis Local Management Acts to be made by the Metropolitan Board of Works shall be charged upon the metropolitan rates to be raised under this Act by the common council of London, and the common council of London shall cause the sums necessary for discharging such debts and liabilities to be raised as in the Metropolis Local Management Acts is provided.

Mortgagees of rates to retain remedies.

91. Every mortgagee or other person entitled to any mortgage made or entered into by the Metropolitan Board of Works, under the provisions of the Metropolis Local Management Acts, before the commencement of this Act, shall have the same rights and remedies in relation thereto, against the corporation of London and the metropolitan rates, as he would have had against the Metropolitan Board of Works or any rates raised by the said board if this Act had not been passed.

Extended powers of compulsory purchase of land.

92. All powers which by the Metropolis Local Management Acts are given to the Metropolitan Board of Works, and also all powers which by the Act of the fifty-seventh year of the reign of His late Majesty King George the Third, chapter twenty-nine, for better paving, improving, and regulating the streets of the metropolis, and removing and preventing nuisances and obstructions therein, are given to the commissioners or trustees or other persons therein referred to, of taking land, or rights or easements in or over land, compulsorily, may be exercised by the corporation of London for the improvement of any streets, thoroughfares, or public places from time to time existing in the county of London, and also for the purpose of freeing any thoroughfares (including bridges) within the said county from tolls, gates, and bars, and the previous consent of one of Her Majesty's Principal Secretaries of State shall not be required for the compulsory taking by the corporation of London of any land, or right or easement in or over land, for any of the purposes of the Metropolis Local Management Acts or of this Act.

Provisions of Metropolis Local Management Acts to remain in force.

93. Except so far as it is otherwise hereby specially enacted, all enactments of the Metropolis Local Management Acts which shall be in force at the commencement of this Act shall continue to apply to any act or matter to which the same may relate, as if this Act had not been passed, the corporation of London being in all respects substituted in the place of the Metropolitan Board of Works: provided always, that, except as herein expressly provided, nothing herein contained shall be construed to extend any such enactment to any act or matter not within the purview of the Metropolis Local Management Acts.

PART VIII.

Justices of London and County Officers.

Commission of the peace may be issued for county of London.

94. It shall be lawful for Her Majesty, from time to time, to assign to so many persons (including all the aldermen of London for the time being) as She shall think proper, Her Majesty's commission to act as justices of the peace in and for the county of London, who shall be styled "justices of London:" provided always, that every person so to be assigned shall reside within the county of London, or within twenty-five miles of the Guildhall in the city of London, during such time as he shall act as a justice of the peace in and for such county.

Aldermen of London need not be qualified by estate.

95. No alderman of London shall be disqualified to act as a justice of the peace for the city of London by reason only that he has not such qualification by estate as may be required by law in the case of justices of the peace for a county.

Justices of London to have all powers, &c. of justices of counties.

96. From and after the issuing of Her Majesty's commission of the peace for the county of London, all jurisdictions, functions, powers, and authorities which shall for the time being be vested in or held by Her Majesty's justices of the peace for the counties of Middlesex, Surrey, and Kent, or any four, three, two, or one of them (except police magistrates and commissioners of police), and which shall be capable of being exercised by such justices in and for the metropolis or any part of the same respectively, shall, within and so far as respects the county of London, be transferred to and become exclusively vested in the justices of London, or any four, three, two, or one of them respectively, except so far as it is herein otherwise expressly provided; but nothing herein contained shall hinder Her Majesty from issuing a separate commission of the peace for the city of London, or for any metropolitan borough, to as many persons as She may from time to time think proper, who may thereupon have and enjoy within and for such city of London or metropolitan borough respectively all such jurisdiction, powers, and authorities of justices for such city or borough respectively as are not hereby expressly reserved to or vested in or may not be from time to time hereafter expressly vested in the justices of London.

Justices of London to have within city of London powers of justices of city.

97. In the fulfilment and exercise of all functions, jurisdictions, powers, and authorities hereby vested in the justices of London, the said justices shall, within the city of London, have and exercise all powers and authorities which justices of the said city may have or exercise at the commencement of this Act.

County of London to have separate prison jurisdiction.

98. For the purposes of The Prison Act, 1865, and of every Act amending the same, the county of London shall be deemed to be a county having a separate prison jurisdiction; and all prisons situate within the same which at the commencement of this Act shall be within the prison jurisdiction of the counties of Middlesex, Surrey, or Kent respectively, or of the city of London, shall, from and after the issuing of Her Majesty's commission of the peace for the county of London, be deemed to be within the separate prison jurisdiction of the county of London.

As to prison authority of county of London.

99. The prison authority of the county of London shall be the justices of London in quarter sessions assembled, except as respects the sections of The Prison Act, 1865, or of any Act amending the same, which relate to the enlargement and rebuilding of prisons, the purchase of land, and the disposal of unnecessary prisons; and for all purposes provided for by the said sections, or any of them, the common council of London shall be the prison authority of the county of London.

Certificate of recorder of London sufficient for alteration, &c. of prisons.

100. In the case of any proposed alteration or enlargement or rebuilding of an existing prison, or of the proposed building of a new prison within the prison jurisdiction of the county of London, the certificate of the recorder of London shall be deemed sufficient within the intendment of section twenty-four of The Prison Act, 1865.

Lunacy Acts, how to apply. 8 & 9 Vict. c. 100., 16 & 17 Vict. cc. 96. 97., 25 & 26 Vict. c. 111.

101. For the purposes of The Lunatic Asylums Act, 1853, The Lunacy Acts Amendment Act, 1862, and all Acts construed as one therewith or with either of the same respectively, or amending the same or either of them, the city of London and every metropolitan borough shall be deemed to be boroughs annexed to the county of London; and the general or quarter sessions of the justices of London shall be deemed to be the general or quarter sessions of the said county intended by every such Act, except as respects the raising of county rates, or of money upon mortgage of county rates, for the purposes of any such Act, or the repayment of the same; but the common council of London shall, for the purposes of the said Acts or any of them, have and exercise all functions, powers, and authorities of justices of a county in general or quarter sessions assembled as respects the raising of county rates, or of money upon mortgage of county rates, and the repayment of monies borrowed for the purposes of the said Acts or any of them.

Appeals to general or quarter sessions under Licensing Acts to lie to justices of London.

102. Whenever, under the provisions of any Act or Acts of Parliament, authorizing the granting or transferring of any licences by the justices of the peace of a city, town corporate, or town, an appeal would lie from the act of a justice of the peace for the city of London or for any metropolitan borough to the general or quarter sessions of the same, such appeal shall, from and after the issuing of any commission of the peace for the county of London, lie to the general or quarter sessions of the justices of London, which shall be deemed to be in all respects the general or quarter sessions of the peace intended by every such Act or Acts of Parliament.

Appeals as to county rates to lie to justices of London.

103. Whenever, under the provisions of any Act or Acts of Parliament relating to the levying of county rates or rates in the nature of county rates, or of this Act, an appeal would lie against any basis or standard of assessment for county rates or rates in the nature of county rates to be levied within the county of London, or against any rate levied or proposed to be levied within the said county, such appeal shall, from and after the issuing of any commission of the peace for the county of London, lie to the quarter sessions of the justices of London, which for the purposes of every such appeal shall be deemed to be the quarter sessions mentioned by any such Act; and the justices of London shall also have the power of appointing justices to fix and determine boundaries under the provisions of any such Act.

Clerk of the peace for city of London to become clerk of the peace for London.

104. The person who at the commencement of this Act shall be the clerk of the peace for the city of London shall be termed the clerk of the peace for London, and shall continue to have, fulfil, and exercise all functions, powers, and authorities heretofore had, fulfilled, and exercised by the clerk of the peace for the city of London (except as herein provided).

Clerk of the peace for London to act for whole county when justices of London appointed.

105. From and after the issuing of Her Majesty's commission of the peace to the justices of London, the person then clerk of the peace for London shall, in addition to all functions, powers, and authorities which he may have and exercise for the time being under this Act, have, fulfil, and exercise, within the county of London, all functions, powers, and authorities which at the time of the issuing of such commission shall be vested in the clerks of the peace for the counties of Middlesex, Surrey, and Kent respectively, so far as the same functions, powers, and authorities, respectively are capable of being fulfilled and exercised within the county of London, except as herein provided, and except any functions, powers, and authorities which, subject to the provisions of this Act, may become vested in any clerk of the peace for the city of London or for a metropolitan borough.

Except as to registration of county voters.

28 & 29 Vict. c. 36.

106. Provided always, that, notwithstanding anything herein contained, the several clerks of the peace for the respective counties of Middlesex, Kent, and Surrey shall continue to have, fulfil, and exercise all functions, powers, and authorities vested in them respectively by the County Voters Registration Act, 1865, or any other Act or Acts of Parliament relating to the registration of county voters, as respects any voters or claimants whose qualifying property, if any, shall be situate within the county of London.

Justices of London to appoint clerk of the peace for London.

107. On the occurrence of any vacancy in the office of clerk of the peace for London which may happen after the issuing of Her Majesty's commission of the peace to the justices of London, the said justices, and not the common council of London, shall have power from time to time to elect the clerk of the peace for London.

As to clerks of the peace for city of London or metropolitan boroughs.

108. Provided always, that nothing herein contained shall hinder the appointment or election from time to time of a clerk of the peace for the city of London or for any metropolitan borough to fulfil and exercise within the same the functions, powers, and authorities of a clerk of the peace of a municipal borough.

Chamberlain of London to be treasurer

109. The chamberlain of London shall, from and after the issue of Her Majesty's commission of the peace to the justices of London, have and exercise within the county of London, in addition to any functions, powers, and authorities now exercised by him as treasurer of the county of the city of London, all functions, powers, and authorities heretofore exercised within the county of London by the respective treasurers of the counties of Middlesex, Surrey, and Kent.

of county of London.

Acts of Parliament as to justices, clerks of the peace, and county treasurers, to apply.

110. Subject as herein provided, all provisions of any Act or Acts of Parliament relating to justices of the peace (except as aforesaid), or any four, three, two, or one of them, and capable of taking effect within the metropolis, shall, within and so far as respects the county of London, apply to the justices of London, or any four, three, two, or one of them; and all the provisions of any Act or Acts of Parliament relating to the clerk of the peace of a county, and capable of taking effect within the metropolis, shall, within and so far as respects the county of London, apply to the clerk of the peace of London; and all the provisions of any Act or Acts of Parliament relating to the treasurer of any county, and capable of taking effect within the metropolis, shall within and so far as respects the county of London apply to the chamberlain of London.

PART IX.

County Rates and Transfer of County Property.

London county rates.

111. County rates or rates in the nature of county rates may be levied within the whole of the county of London for any purposes for which county rates, or rates in the nature of county rates, may be levied in any county, and such rates shall be termed "London county rates."

Common council to have powers of county justices as respects county rates.

112. All functions, powers, and authorities by the Act of the fifteenth and sixteenth years of the reign of Her present Majesty, chapter eighty-one, to consolidate and amend the statutes relating to the assessment and collection of county rates in England and Wales, or by any other Act of Parliament, given to or vested in Her Majesty's justices of the peace of any county in general or quarter sessions assembled (except as respects any appeal against a basis or standard of county rate or against a rate, and as respects the appointing of justices to fix and determine boundaries), shall be vested in the common council of London; and all functions, powers, and authorities by any such Act or Acts given to or vested in a committee of justices appointed by the justices in general or quarter sessions assembled shall be vested in a committee of members of the said common council, of the like number as in any such Act is

A.D. 1869.

provided in the like case; and, subject as herein mentioned, all provisions relating to county rates contained in any such Act or Acts of Parliament shall apply to London county rates.

Members of common council not to have powers of county justices individually.

113. Provided always, that nothing herein contained shall be construed to give to any member of the common council of London individually, or to any two or four of such members, any jurisdiction, power, or authority which by any Act or Acts of Parliament relating to county rates is given to any justice or to any two or four justices.

As to county rates already ordered to be raised.

114. All county rates which at the commencement of this Act shall have been already ordered to be paid or levied in respect of any rateable property within the county of London, and shall not then have been actually received, shall be received or levied by the proper officers of the respective counties by the justices of which the same shall have been ordered to be raised, as if this Act had not been passed, but all monies to be received by every such officer in respect thereof shall after payment thereout of his costs and expenses be forthwith paid by him to the chamberlain of London.

Real and personal estate vested in clerk of peace for city of London to vest in corporation of London.

115. All real and personal estates which at the commencement of this Act shall be vested in the clerk of the peace for the city of London by virtue of his office shall from thenceforth become vested in the corporation of London for all such respective estates or interests and subject in all respects as the said clerk of the peace shall then hold the same.

Secretary of State to apportion county realty and personalty between London, Middlesex, &c.

116. One of Her Majesty's Principal Secretaries of State shall, by writing under his hand, award and determine what real estate and chattels real, monies, things in action, and personal estate, or what portion of the real estate and chattels real, monies, things in action, and personal estate, which at the commencement of this Act shall be vested in or be in the hands of the respective clerks of the peace for and treasurers of the counties of Middlesex, Surrey, and Kent, by virtue of their respective offices, shall be transferred or set apart for the use of the county of London, and the same shall be transferred and set apart accordingly, as the said Secretary of State shall direct; and all such real estate and chattels real, monies, things in action, and personal estate shall from and after the date of such award become vested in the corporation of London in fee simple or absolutely, or for all such respective estates or interests as the same were held respectively by the said clerks of the peace and treasurers.

Secretary of State to apportion county liabilities.

117. The said Secretary of State shall award and determine what charges and liabilities, or what proportion of the charges and liabilities (other than mortgages of county rates), to which any real and personal estate at the commencement of this Act vested in the respective clerks of the peace for the respective counties of Middlesex, Surrey, and Kent, and any monies then in the hands of the respective treasurers of the said counties, shall be subject, shall from thenceforth be charged upon, borne, and defrayed by the corporation of London, and the same shall thereupon become exclusively charged upon and be borne and defrayed by the corporation of London, and shall be paid from time to time by the said corporation as the same shall become due respectively, and the respective clerks of the peace for and treasurers of the said respective counties of Middlesex, Surrey, and Kent, and all real and personal estate vested in them respectively, and monies in their respective hands, shall thenceforth be absolutely discharged therefrom; and the corporation of London shall thenceforth be absolutely discharged from all other charges and liabilities theretofore affecting such real or personal estate which shall become vested in the said corporation; and every person for the time being entitled at law or in equity to the benefit of any charge or liability which may become exclusively charged upon or which should be borne and defrayed exclusively by the corporation of London shall have in respect of the same the same remedies against the said corporation, and the real and personal estates of the same, as such person would have had against the clerk of the peace or treasurer of any county, or any real or personal estate or monies vested in or in the hands of such clerk of the peace or treasurer if this Act had not been passed.

Remedies in case of neglect to account, &c. by county officers.

118. All provisions of any Act or Acts of Parliament respecting the refusal, neglect, or omission of a clerk of the peace for a county or a treasurer of a county to account for, give up, or pay any monies or property in his hands or under his control, and the penalties therefore, shall apply to the refusal, neglect, or omission of a clerk of the peace or treasurer to give up or pay any monies or property which under this Act may become vested in the corporation of London, or which should be paid to any of its officers.

Secretary of State may award payment of compensation for real or personal estate transferred.

119. The Secretary of State may, if he thinks fit, award and determine that a price or compensation shall be paid by the corporation of London for any real or personal estate which at the commencement of this Act shall be vested in the respective clerks of the peace for the counties of Middlesex, Kent, and Surrey respectively, or in any other officers of the said counties, and shall, under the provisions of this Act, become vested in the corporation of London, and shall determine the amount of such price or com-

A.D. 1869.

pensation, and the person or persons to whom and the time and manner in which the same, with such interest thereon, if any, as he may think fit, shall be paid by the corporation of London; and until full payment of the same, with all interest thereon, if any, the amount of such price or compensation, with interest thereon, or of the unpaid portion thereof for the time being, shall be a charge upon the London county rates; and the clerk of the peace or other officer in whom the real or personal estate for which such price or compensation shall be awarded was vested at the commencement of this Act shall have such remedy for the amount of such compensation money and interest against the corporation of London, or the London county rates, as a mortgagee of county rates for the like principal amount would have had if this Act had not been passed against the county rates so mortgaged to him, or the clerk of the peace of such county.

Secretary of State may award that county officers are to be compensated by corporation of London.

120. The said Secretary of State may, if he thinks fit, award and determine that any officers of the justices of the respective counties of Middlesex, Surrey, and Kent, heretofore employed within the county of London, whose office may be abolished, or who may be removed from office in consequence of this Act, or who may not be re-appointed to some office by the corporation of London, shall be deemed officers entitled to compensation out of the funds of the corporation of London, under the provisions of this Act; and all the provisions contained or referred to in this Act relating to compensation to be paid to officers of the corporation of London, or of the Metropolitan Board of Works, in the like case, shall apply to every such officer.

Secretary of State may apportion mortgages on county rates.

121. The Secretary of State shall determine what proportion of any monies raised by the justices of the counties of Middlesex, Surrey, and Kent respectively on the security of the county rates of the said respective counties which shall remain owing at the commencement of this Act shall be charged upon and paid out of the London county rates, and shall specify the mortgages of rates or other securities which shall from thenceforth be charged upon the London county rates; and every such mortgage or security shall thenceforth, as between the corporation of London and the justices of the respective counties on the security of the county rates of which the same shall have been raised, or the clerks of the peace for the same counties respectively, become charged exclusively on the London county rates, in the same manner as the same mortgage or security was theretofore charged on the county rates of any of the same counties; and the chamberlain of London shall,   days at least before any payment of interest or principal in respect of any such mortgage or security shall become due, cause the amount of such principal or interest to be paid to the treasurer of the county on the county rates of which the same was theretofore charged; and from the time when such mortgages and securities shall have become exclusively charged as aforesaid on the London county rates the said rates shall, as between the corporation of London and the justices of the county on the county rates whereof the same mortgages were theretofore charged, or the clerk of the peace for the same, stand absolutely discharged from all mortgages on the county rates of such county, other than such as shall have become exclusively charged upon the county rates of the county of London; and the justices of the peace of or the clerk of the peace for the county on the county rates whereof the said mortgages or securities were theretofore charged shall out of the funds or property vested in such clerk of the peace, or the county rates to be raised within such county, from time to time and at all times keep the corporation of London indemnified against all mortgages or securities upon the county rates of such other county, other than such as shall become exclusively charged upon the London county rates, and against all actions, suits, payments, losses, damages, and expenses in respect of the same.

Mortgagees may agree to accept security of London county rates.

122. Provided always, that it shall be lawful for any mortgagee of county rates, whose mortgage shall become charged on the London county rates, his executors, administrators, or assigns, by writing under his hand, to agree with the corporation of London that the London county rates shall be the sole security for his mortgage, and from thenceforth the said chamberlain of London shall be bound, out of the London county rates, to pay to such mortgagee, his executors, administrators, or assigns, such principal or interest monies as the justices or the treasurer of the county on the rates whereof the said mortgage was originally charged would have been bound to pay, and shall be discharged from all obligation to make any payment on account of the same to the treasurer of the said county, and the justices or the treasurer of the county on the rates of which the said mortgage shall have been originally charged shall be discharged from all obligation to pay such principal or interest monies, and all provisions of any Act or Acts of Parliament in reference to mortgages of county rates which would otherwise have taken effect as between such mortgagee, his executors, administrators, or assigns, and the justices, clerk of the peace, or treasurer of or for the county on the rates whereof the said

A.D. 1869.

mortgage was originally charged, shall take effect as between such mortgagee, his executors, administrators, or assigns, and the corporation of London; and such mortgagee, his executors, administrators, or assigns, shall (unless it be otherwise agreed between him or them and the corporation of London) have the same remedies against the said corporation, or against the London county rates, as he or they would have had against the justices or the treasurer of the county on the rates whereof the said mortgage was originally charged, or the county rates of the same, if this Act had not been passed.

Secretary of State to have powers of arbitrator under Common Law Procedure Acts.

123. In all matters hereby referred to the determination and award of one of Her Majesty's Principal Secretaries of State, such Secretary of State shall have all jurisdictions, powers, and authorities of a single arbitrator appointed by a judge of one of the superior courts of law and equity, under the provisions of The Common Law Procedure Act, 1854, or of any Act or Acts amending the same.

Existing contracts of city or county justices to be valid.

124. All contracts or agreements made or entered into with or in favour of the justices of the city of London, or the clerk of the peace for the said city, or with or in favour of the respective justices, clerks of the peace, or other officers for the counties of Middlesex, Surrey, or Kent respectively, before the issuing of Her Majesty's commission of the peace to the justices of London touching any real or personal property which by virtue of this Act may become vested in the corporation of London, or touching any act or thing to be done within the said county, shall remain as valid and effectual and be proceeded on and enforced as if this Act had not been passed; and all monies coming to the clerks of the peace or treasurers of the said counties of Middlesex, Surrey, or Kent respectively, under any such contract or agreement, which would have been applicable if this Act had not been passed for the purposes of any of the duties or powers hereby transferred to the justices of London, the corporation of London, or any of their respective officers, shall be paid over to the chamberlain of London, and be applicable to the like purposes respectively; and all monies and liabilities which the clerk of the peace for the city of London, or the clerk of the peace or any other officer of or for the respective counties of Middlesex, Kent, or Surrey, would have been liable to pay or discharge under any such contract or agreement out of any rates to be levied within the county of London, and all costs, damages, and expenses which such receiver, clerk of the peace, or other officer respectively might, if this Act had not been passed, have legally defrayed out of any such rate, shall be paid out of rates to be levied under the provisions of this Act for the like purposes respectivly as any rates out of which the the same might have been defrayed if this Act had not been passed might in such case have been levied for.

Actions, &c. by or on behalf of city or county justices, &c. to continue.

125. No action, suit, prosecution, or other proceeding whatsoever commenced or carried on before or at the time of the issuing of Her Majesty's commission of the peace to the justices of London, in favour of or against the respective justices, clerks of the peace, or other officers of or for the city of London, or the counties of Middlesex, Surrey, or Kent respectively, touching any real or personal property which by virtue of this Act may become vested in the corporation of London, or touching any matter or cause arising within the county of London, shall abate or be discontinued or prejudically affected by reason of this Act, but every such action, suit, prosecution, or proceeding shall continue and take effect in favour of or against the corporation of London in the same manner in all respects as the same would have continued and taken effect in relation to the said justices, clerks of the peace, or other officers respectively if this Act had not been passed.

Decrees, &c. made and fines imposed to be enforced by or against corporation of London.

126. All decrees and orders made, fines, amerciaments, and penalties imposed and incurred respectively, previously to the issuing of Her Majesty's commission of the peace to the justices of London, in any action, suit, or proceeding by or on behalf of or against the justices, clerks of the peace, or other officers of or for the city of London, and counties of Middlesex, Surrey, or Kent respectively, touching any real or personal property which by virtue of this Act shall become vested in the corporation of London, or touching any cause or matter arising within the county of London, which, if the same had arisen after the issuing of such commission, would have concerned the justices of London, or the clerk of the peace for London, or any officer of the said county, shall and may be enforced, levied, recovered, and proceeded for by or on behalf of or against the corporation of London.

As to administrative proceedings commenced by justices of Middlesex, &c.

127. All administrative proceedings commenced within the county of London by the justices of the city of London, and of the respective counties of Middlesex, Surrey, or Kent, previously to the issuing of Her Majesty's commission of the peace to the justices of London, which, if such commission of the peace had then been issued, would or might have been commenced by the justices of London or the corporation of London respectively, shall and may be continued, proceeded with, and completed by the justices of London or the corporation of London respectively, as the case may be.

PART X.

Byelaws, &c.

Common council may make byelaws for better carrying out the Act.

128. It shall be lawful for the common council of London from time to time to pass or make acts or byelaws for better carrying out the provisions of this Act, such acts or byelaws to be passed or made by such special majority as may be from time to time determined by the said common council, with the advice of the recorder of London.

Nothing in Act to diminish the corporation's power of remedying defects in its constitution.

129. Nothing herein contained shall impair or affect any charter or custom of the city of London whereby the corporation of the city of London is empowered to remedy defects in the constitution of the same, but such power shall from henceforth be vested in and exercised by the common council of London; and every act or byelaw in that behalf shall be passed or made by the common council of London by such special majority as may be from time to time determined by the said common council, with the advice of the recorder of London.

Byelaws to be certified, and laid before Parliament.

130. No act of common council or byelaw to be passed or made by such special majority as herein mentioned, for remedying any defects in the constitution of the corporation, or for better carrying out the provisions of this Act, shall be valid unless certified by the recorder of London in writing under his hand to be not inconsistent with the provisions of this Act; and every such act or byelaw shall be forthwith laid before both Houses of Parliament, if then sitting, or if not then sitting then forthwith upon the re-assembling of the same; and every such act or byelaw so certified, and so laid before both Houses of Parliament, shall, from the time of the same being so laid before Parliament, unless and until disallowed by either house of the same, be of the same force and validity as if the provisions of the same had been inserted in this present Act: provided always, that nothing in this Act contained shall be construed to give to the corporation of London any power to alter, repeal, or nullify any provision of this present Act.

PART XI.

Miscellaneous.

Savings, &c. to accrue for benefit of corporation, of London &c.

131. All savings and provisions in any Acts of Parliament saving and providing for the rights of the Metropolitan Board of Works, or the justices of the peace, clerks of the peace, or other officers of or for the city of London, and the counties of Middlesex, Surrey, or Kent respectively, or any of them, shall, so far as the same are not inconsistent with this Act, and as the same may be applicable to the corporation of London, the justices of London, or any of the officers of the corporation, or of the justices of London respectively, continue and have force in favour of and with reference to the said corporation, the justices of London, and every such officer or person respectively.

Saving for Crown and commissioners of works.

132. Nothing in this Act contained shall abridge, alter, or affect any right, power, exemption, or remedy of the Queen's most Excellent Majesty, her heirs or successors, or the commissioners for the time being of Her Majesty's works and public buildings, in or over or in relation to the possessions of the Crown or of the public, or divest the said commissioners of any power or property.

Saving for metropolitan police commissioners.

133. Nothing in this Act contained shall interfere with the powers given by law to the commissioners of police of the metropolis, or any assistant commissioners.

Parliamentary boundaries and electoral franchise not to be affected.

134. Nothing in this Act contained shall affect the boundaries of the city of London, or of the counties of Middlesex, Surrey, or Kent, or any of them, or any divisions of the same respectively, so far as respects the representation of the people in the Commons House of Parliament, or the rights of the said city and counties, or any of them, or any divisions of the same respectively, to return members to serve in parliament, or the right of any person to vote in the said city, or in any of the said counties or divisions of counties respectively, in the election of such members.

Inns of court, &c. not to be affected.

135. Nothing in this Act contained shall affect the places mentioned in Schedule (C.) to "The Metropolis Local Management Act, 1855," except so far as they are affected by the Metropolis Local Management Acts, and by the transfer hereby made of the functions, powers, and authorities of the Metropolitan Board of Works to the corporation of London.

Repeal of inconsistent Acts.

136. All Acts of Parliament in force in any city, borough, county, parish, or place in whole or in part included within the county of London, or in any part of such city, borough, county, parish, or place which shall be so included respectively, shall, so far as the same are inconsistent with the provisions of this Act, be repealed, as regards such city, borough, county, or place, or such part thereof so included within the city of London, but no further.

Provisions of local Acts may be varied by Order in Council.

137. Upon the petition of the corporation of London, or the justices of London, or the justices of the counties of Middlesex, Surrey, or Kent respectively, the provisions of section two hundred

A.D. 1869.

and forty-eight of "The Metropolis Local Management Act, 1855," shall apply to this Act.

Differences to be referred to arbitration.

138. If any difference shall arise between the corporation of London, the justices of London, or any of their respective officers, and the council of any metropolitan borough, or the justices, clerks of the peace, or other officers of or for the respective counties of Middlesex, Kent, or Surrey, touching the construction of this Act, or of any other Act or Acts herein referred to, or touching the carrying out of the provisions of the same, or touching the fulfilment and exercise of the functions, powers, or authorities of the corporation of London, the council of any metropolitan borough, or other such justices or officers, or any of them, (other than such measures as are hereby expressly referred to the award and determination of one of Her Majesty's Principal Secretaries of State,) such difference shall be referred to arbitration in manner provided by "The Companies Clauses Consolidation Act, 1865."

Commencement of Act.

139. This Act shall commence, save as herein otherwise provided, on the day of *one thousand eight hundred and sixty-nine.*

Short title.

140. This Act may be cited as "The Corporation of London Act, 1869."

SCHEDULE (A.)

Common Councillors to be elected for Metropolitan Boroughs.

Cities and Boroughs.	Number of Common Councillors.
City of Westminster.	Thirteen.
Borough of Chelsea.	Ten.
Borough of Marylebone.	Twenty-three.
Borough of Finsbury.	Eighteen.
Borough of Hackney.	Fifteen.
Borough of Tower Hamlets.	Sixteen.
Borough of Lambeth.	Thirteen.
Borough of Southwark.	Fifteen.
Borough of Greenwich.	Twelve.

Corporation of London.

A

BILL

For the creation of a Corporation of Londo

(*Prepared and brought in by*
Mr. Buxton and Mr. Thomas Hughes.)

Ordered, by The House of Commons, *to be Printed,*
8 *March* 1869.

[Bill 40.]

Under 7 oz.

County Administration Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Clause.
1. Short title of Act.
2. Application of Act.

County Board.

3. Establishment of county boards.
4. Qualification of elective members of county boards.
5. Disqualification of members of the board.
6. Rules as to election of elective members of county boards.
7. Legal status of county board.
8. Member to produce certificate before taking seat.
9. Consequences of establishment of county board.
10. Power of county board to form committees.
11. General provisions as to county boards.
12. Provisions relating to accounts.

Application of Act in certain cases.

13. Application of Act to certain divisions of counties.
14. Provision as to union situate partly within and partly without places excluded from electing members of a county board.
15. Provisions as to unions situate partly in one union and partly in another. Consequences of annexation of parishes to unions.

Supplemental Provisions.

16. Decision of question as to jurisdiction of county board and court of quarter sessions.
17. Appeal in case of invalid election of members of county boards. Expenses of election of members of county board.
18. Determination of gross estimated rental.
19. Dispute as to boundary to be determined by Poor Law Board.

Definitions.

20. Interpretation of certain terms in the Act.

SCHEDULES.

A

BILL

FOR

Establishing Administrative Boards for the Transaction of County Business in England.

A.D. 1869.

WHEREAS it is expedient to amend the law relating to the administration of county affairs: Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title of Act.

1. This Act may be cited for all purposes as "The County Board Act, 1869."

Application of Act.

2. This Act shall not extend to Scotland or Ireland.

County Board.

Establishment of county boards.

3. There shall be established in each county for the purpose of managing the administrative business of the county a board, hereinafter called a county board, consisting of official and elective members.

The justices of the peace acting in and for the county shall be the official members of the county board.

The elective members shall be representatives of unions chosen by the elected members of the board of guardians of every union in the county, with the exception of unions situate within counties of cities or counties of towns or within boroughs having a separate court of quarter sessions.

The number of representatives of each union shall be in proportion to the gross estimated rental of the union, according to the scale specified in the first schedule to this Act.

The elective members of a county board shall hold their offices for a period of five years, subject to such retirement by rotation as is specified in the second schedule to this Act.

Qualification of elective members of county boards.

4. No person shall be qualified to be an elective member of a county board unless he is a member of the board of guardians or qualified to be a member of the board of guardians of the union which he represents.

Disqualification of members of the board.

5. If any member of a county board—

1. Holds any office or place of profit under the board; or,
2. Participates in the profits of any work done by order of the board; or,
3. Is concerned in or participates in the profit of any contract entered into by the board; or
4. Ceases to be qualified to be a member of the board,

such person shall cease to be a member of the board, and his office shall thereupon become vacant, subject to the exceptions following; (that is to say,)

1. No member of the board shall vacate his office by reason of his being a shareholder in any company entering into any contract with or supplying any article by order of the board:
2. No member of the board shall vacate his office by reason of his being interested in any sale or lease of any lands or any loan of money to the board:

Neverthless no member of the board shall be entitled to vote in respect of any contract with or any supply of articles by order of the board when such contract is entered into with or articles supplied by any company in which he is a shareholder, or in respect of any question connected therewith, or in respect of any such sale, lease, or loan as herein-before mentioned, and if he does so vote his vote shall not be counted, and he shall incur for each time when he so votes a penalty not exceeding twenty pounds, to be recovered in a summary manner.

Rules as to election of elective members of county boards.

6. The rules contained in the second schedule to this Act with respect to the rotation and election of elective members of a county board shall be of the same force as if they were enacted in the body of this Act.

Legal status of county board.

7. A county board shall be a body corporate, by the name of the county board of the county to which they belong, having a perpetual succession and a common seal, with a power to acquire and hold lands for the purposes of their constitution, without any licence in mortmain.

Member to produce certificate before taking seat.

8. Every elective member of a county board, before taking his seat as a member, shall produce a certificate of his having been duly elected, signed by not less than two elected members of the board of guardians, and countersigned by the clerk of the board.

An elective member of a county board may, if qualified, sit as a representative of more than one union, but he shall be entitled to one vote only.

Consequences of establishment of county board.

9. There shall be reserved exclusively to the justices in quarter sessions assembled the trial of offenders, the hearing of appeals, and all other judicial business; also the making regulations for the government of prisons, the nomination of visiting justices of prisons, and the making rules with respect to the duties of visiting justices; but, save as aforesaid, at and after the first meeting in any county of the county board of such county, the following consequences shall ensue:

(1.) All such powers, rights, duties, liabilities, capacities, and incapacities as are vested in or attached to, or would but for this Act have become vested in or attached to, the justices of the county in quarter sessions assembled, shall vest in and attach to the county board:

(2.) All such property, real and personal, including all interests, easements, and rights in, to, and out of property, real and personal, and including things in action, as belong to or are vested in, or would but for this Act have belonged to or been vested in, the justices in quarter sessions assembled, or in the clerk of the peace in trust for the public uses and purposes of the county, shall pass to and vest in the county board, subject to all debts and liabilities affecting the same:

(3.) All debts and liabilities incurred in respect of any property transferred may be enforced against the county board to the extent of the property transferred.

(4.) The clerk of the peace of the county shall be the clerk of the county board, and shall perform all such duties in relation to the board as he is required by law to perform in relation to the justices in quarter sessions assembled.

(5.) An elective member of a county board may be appointed by that board a member of any committee or body of persons of which that board would have power to appoint him a member if he were a justice of the county.

(6.) For the purposes of this Act "judicial business" shall include the hearing of any application made by or on behalf of any third person in relation to the granting of a license, or the giving or withholding any right or privilege, or in relation to any other matter in respect of which such person is authorized by law to make an application.

A.D. 1869.

Power of county board to form committees.

10. A county board shall, so far as is possible, classify the business coming within their cognizance and appoint a sufficient number of committees to take into consideration and report to the board their opinion respecting any business submitted to them. The board may also delegate to any such committees any executive powers belonging to the board, but such a committee shall not be deemed to be duly constituted unless it consist of an equal number of official and elective members. The board shall, in the case of each committee, determine the quorum required to be present at meetings of such committee.

General provisions as to county boards.

11. (1.) No act or proceeding of the board shall be questioned on account of default being made in the election of representatives for any union, or on account of any other vacancy or vacancies in the board:

(2.) No defect in the qualification or election of any person or persons acting as members or member of the board or of a committee of the board shall be deemed to vitiate any proceedings of such board or committee in which he or they have taken part in cases where the majority of members parties to such proceedings are duly entitled to act:

(3.) Any minute made of proceedings at meetings of the board or of committees of the board, if signed either at the meeting of the board or of the committee at which such proceedings took place, or at the next ensuing meeting of the board or of the committee, by any person purporting for the time being to be the chairman of the board or of the committee, shall be receivable in evidence of such proceedings in all legal proceedings without further proof; and until the contrary is proved every meeting of the board or of any committee of the board where minutes have been so made of the proceedings shall be deemed to have been duly convened and held, and all the members thereof to have been duly qualified:

(4.) No member of a county board, by being party to, or executing in his capacity of member, any contract or other instrument on behalf of the board, or otherwise exercising any of the powers given to the board, shall be subject individually to any action, suit, trial, prosecution, or other legal proceeding; and the board may apply any moneys from time to time coming into their hands for the purpose of paying any costs of legal proceedings or damages they may incur in execution of the powers granted to them:

(5.) All orders of the board, all contracts made by the board, and all other documents proceeding from the board shall be deemed to be duly executed if sealed with the seal of the board; or in cases where a seal would not be required for the validity of the instrument if made between private persons, if signed by two or more members of the board authorized to sign them by a resolution of the board, and countersigned by the clerk; but it shall not be necessary in any legal proceeding to prove that the members signing any such order or precept were authorized to sign them, and such authority shall be presumed until the contrary is proved.

(6.) The rules contained in the third schedule to this Act with respect to the proceedings of county boards, and the other matters therein contained, and in the fourth schedule to this Act, with respect to the proceedings of committees of county boards, shall be observed in the same manner as if such rules were enacted in the body of this Act.

Provisions relating to accounts.

12. The accounts of every county board shall be made up and balanced to such day as may from time to time be directed by any general or special order of one of Her Majesty's principal secretaries of state, and as soon as conveniently may be after such day the said accounts shall be audited and examined by an auditor annually appointed by the county board.

Application of Act in certain cases.

Application of Act to certain divisions of counties.

13. For the purposes of this Act a county shall not include a county of a city or county of a town, but shall include any riding, division, or part of a county having a separate commission of the peace.

The liberty of St. Albans, the liberty of Peterborough, and the liberty of the Isle of Ely shall respectively be deemed to be separate counties, but all other liberties and franchises of counties not being parts of counties of cities, or counties of towns, or of boroughs having a separate court of quarter sessions, shall be considered as forming part of the county by which they are surrounded, or if partly surrounded by two or more counties, then as forming part of that county with which they have the longest common boundary.

Where a county as defined by this Act has one commission of the peace, but is divided into separate divisions for the purposes of county rate, each of such divisions shall be deemed to be a separate county and the justices usually acting in and for each such division

A.D. 1869.

shall be deemed to be the justices of the county constituted by such division, and the quarter sessions or adjourned quarter sessions usually held in such division to be the quarter sessions of such county, and the chairman of such sessions to be the chairman of quarter sessions of such county, in the same manner as if there were a separate commission of the peace for each such division, subject to this proviso, that the county of Sussex shall be deemed to be an undivided county in respect of the matters in relation to which the divisions of that county are declared by Act of Parliament not to be separate counties.

Where a division of a county having one commission of the peace is constituted a separate county for the purposes of this Act by reason of its being separate for the purposes of county rate the clerk of the peace of the whole county shall for the purposes of this Act be the clerk of the peace of each of the divisions so constituted separate counties.

Provision as to union situatepartly within and partly without places excluded from electing members of a county board.

14. Where a union is situate partly within and partly without the boundaries of a county of a city or county of a town, or a borough having a separate court of quarter sessions, the parishes of such union situate without such boundaries and herein called outlying parishes shall, if the total amount of the annual gross estimated rental of such parishes is not less than twenty-five thousand pounds, be deemed to be a separate union for the purpose of electing members of the county board, and the elected guardians of such outlying parishes shall elect members of the county board accordingly; but if the total amount of the annual gross estimated rental of such outlying parishes as aforesaid is less than twenty-five thousand pounds, such parishes shall, for the purposes of the election of members of a county board under this Act, be annexed to the adjoining union in the same county, or if there be more than one adjoining union, to such one of the adjoining unions as the Poor Law Board may direct upon application made to them by any elected guardian of any of the said parishes.

Where any outlying parish of such a union as is mentioned in this section is situate partly within and partly without the boundaries of such county of a city or county of a town or borough having a separate court of quarter sessions as is herein mentioned, such parish shall be deemed to be wholly within or wholly without such city, town, or borough, according as the greater part in value of such parish, estimated by its annual gross estimated rental, is situate within or without such city, town, or borough.

A.D. 1869.

Provisions as to unions situate partly in one union and partly in another.

15. Where a union is situate in more than one county, the parishes of such union situate in the same county shall, if the total amount of the annual gross estimated rental of such parishes is not less than twenty-five thousand pounds be deemed to be a separate union for the purposes of this Act, and the elected guardians of such parishes shall elect members of a county board accordingly, but if the total gross estimated rental of such parishes is less than twenty-five thousand pounds, such parishes shall, for the purposes of the election of members of a county board under this Act, be annexed to the adjoining union in the same county, or if there is more than one adjoining union, to such one of the adjoining unions as the Poor Law Board may direct upon application made to them by any guardian of any of the said parishes.

Where any parish of such union as is mentioned in this section is situate in more than one county, such parish shall be deemed to be wholly situate in the county which comprises the greater part in value of such parish, estimated according to its annual gross estimated rental, than any other county.

Consequences of annexation of parishes to unions.

Where any parishes are annexed to an adjoining union in pursuance of this Act, such parishes shall be included in the calculation for the purposes of this Act of the annual gross estimated rental of the union to which they are annexed, and the elected guardians of such parishes shall be entitled to be present, and vote at any meeting of the elected members of the guardians of such adjoining union at which members of the county board are elected, in the same manner as if they were members of such last-mentioned board of guardians.

Supplemental Provisions.

Decision of question as to jurisdiction of county board and court of quarter sessions.

16. If any question arises as to whether any business is or is not within the jurisdiction of the county board or the court of quarter sessions of that county, such question shall be decided by the court of quarter sessions; but any person aggrieved by their decision may appeal in writing to one of Her Majesty's principal Secretaries of State, and his decision shall be final. No objection shall be taken to the jurisdiction of the county board, or of the court of quarter sessions, on the ground that any business brought before the one body is within the jurisdiction of the other body, unless such objection be taken at the time when the business is being transacted.

Appeal in case of invalid election of members of county boards.

17. It shall be the duty of one of Her Majesty's superior courts of law, upon the application of any person who may be aggrieved by or complain of the election of any member of a county board, or any proceeding, act, or matter touching the same, (reasonable notice

A.D. 1869.

having been given by the adverse party to those affected thereby of such intended application,) to proceed forthwith, and in a summary way to hear the affidavits, proofs, and allegations of the parties, or otherwise to inquire into the matter or cause of complaint, and either to confirm the election so complained of, or to order a new election, or to make such order and give such relief in the premises as right and justice may appear to the court to require; but no such application as aforesaid shall be entertained by the court unless it is made within one month after the election has taken place in respect of which the complaint was made.

Expenses of election of members of county board.

All expenses properly incurred in any union in and about the election of members of the county board shall be deemed to be expenses properly incurred by the board of guardians of that union in performance of their duties, and may be defrayed out of any moneys for the time being in their hands, and where any parishes are constituted a union under this Act, for the purpose of electing members of a county board, herein-after referred to as an elective union, all expenses properly incurred in such union in carrying into effect the purposes of this Act shall be defrayed by the board of guardians of the union to which such parishes belong for the purposes of the poor laws out of a contribution to be levied from the parishes constituting such elective union, in addition to and as part of the poor rate levied in such parishes.

Determination of gross estimated rental.

18. Gross estimated rental for the purposes of this Act shall be determined by the valuation list or lists for the time being in force, or where there is no such list by the last assessment of poor rate which was made.

Dispute as to boundary to be determined by Poor Law Board.

19. Any dispute which arises under this Act respecting the boundary between two or more counties, or the amount of gross estimated rental, shall be settled by the Poor Law Board.

Nothing in this section, nor any proceedings under the same, shall extend or be construed to extend to determine any question of boundary for any purpose except for the purposes of this Act.

Definitions.

Interpretation of certain terms in the Act.

20. In this Act, if not inconsistent with the context, the following terms have the meanings herein-after respectively assigned to them, that is to say:—

"Borough" shall mean any place for the time being subject to an Act passed in the session holden in the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled "An Act to provide for the regulation of municipal corporations in "England and Wales."

A.D. 1869.

"Board of guardians" shall means any board of guardians appointed in pursuance of the provisions of The Poor Law Amendment Act, 1834, and the Acts amending the same, or any body of persons appointed under any other Act, general or local, and performing the functions of a board of guardians; and the term "guardians" means the persons forming such board.

"Union" shall mean any union of parishes and any parish not in union for which there is a separate board of guardians, as defined by this Act.

"Parish" shall mean a place for which a separate poor rate is or can be made, or for which a separate overseer is or can be appointed.

"Quarter sessions" shall include general sessions.

SCHEDULES referred to in the foregoing Act.

A.D. 1869.

FIRST SCHEDULE.

Part I.

Scale for Representatives except in the Counties mentioned in the Second Schedule.

Gross estimated Rental of Union.	No. of Representatives to be elected by the elected members of the Board of Guardians.
Not exceeding 50,000*l.*	One.
Exceeding 50,000*l.* and not exceeding 100,000*l.*	Two.
Exceeding 100,000*l.* and not exceeding 150,000*l.*	Three.
Exceeding 150,000*l.*	Four.

Part II.

Scale for Representatives in Counties specified.

Gross estimated Rental of Union.	No. of Representatives to be elected by the elected members of the Board of Guardians.
Not exceeding 25,000*l.*	One.
Exceeding 25,000*l.* and not exceeding 50,000*l.*	Two.
Exceeding 50,000*l.* and not exceeding 75,000*l.*	Three.
Exceeding 75,000*l.*	Four.

List of Counties and Liberties of Counties to which foregoing Scale in Part II. applies.

All the counties of Wales.
Monmouthshire.
Rutlandshire.
Westmoreland.
The liberties of Ely.
Peterborough.
St. Albans.

SECOND SCHEDULE.

The following regulations shall apply with respect to the election and rotation of elective members of the county board in each union:

The elective members of the county board shall be chosen by a resolution of the elected members of the board of guardians of the union present at a meeting held for the purpose, and of which notice specifying the object of the meeting has been given in manner in which notices of extraordinary meetings of guardians are required to be given.

The members present shall choose an elected guardian to be chairman of the meeting but save as aforesaid and save that elected members only shall vote, a resolution of the board at such meeting shall be passed in the manner in which resolutions of the board are usually passed, or as near thereto as circumstances admit.

The first election of elective members shall take place at such time not exceeding one month from the date of the passing of this Act as may be determined by the board of guardians at the first meeting after the passing of this Act.

One-fifth of the elective members of a county board shall retire from office at the expiration of the first year succeeding the first election of members of a county board, and in every subsequent year one-fifth of their number, or if their number is not a multiple of five, then the number nearest to one-fifth shall retire from office.

The one-fifth or other nearest number to retire during the first, second, third, and fourth years ensuing the first election shall, unless the elective members agree among themselves, be determined by ballot. In every subsequent year the one-fifth or other nearest number who have been longest in office shall retire.

The retirement of the prescribed number of elective members in each year shall take effect on the fifteenth day of May, and for the purpose of such retirement, in the first year succeeding the passing of this Act, the period intervening between the passing of this Act and the succeeding fifteenth day of May shall be deemed to be a year.

The places of retiring members shall be filled up by the election of an equal number of qualified persons.

A retiring member shall, if otherwise qualified, be eligible for re-election.

After the first election members of the county board shall be elected at such time between the fifteenth day of April and the fifteenth day of May in every year, as may be determined by the

A.D. 1869.

board of guardians of the union which such elective members represents.

If at any time at which an election of elective members of a county board ought to take place, the places of the retiring members are not filled up, the retiring members, or such of them as have not had their places filled up, shall continue in office for the succeeding year, and so on from time to time until their places are filled up.

Any casual vacancy occurring in the office of the member of a county board elected in any union shall be filled up by the election in his place of another qualified person by the elected members of the board of guardians of that union, but any person so elected shall retain his office so long only as the member creating a casual vacancy would have retained the same if no vacancy had occurred.

When any member of a county board has been elected for a union, the clerk of the board of guardians shall give notice in writing to the clerk of the peace of the name and address of the member so elected.

If at the time of any election of members of the county board for any union default is made in electing such members, and there are no continuing members to represent such union, the county board may, if it think fit, nominate any person or persons otherwise qualified to fill the vacancies created by such default.

Where parishes are constituted under this Act an elective union, for the purpose of the election of members of a county board, the clerk of the board of guardians of the union to which such parishes properly belong, and which union is herein-after referred to as the poor law union, shall act as the clerk of the board of guardians of the elective union for the purposes of this Act; and a meeting of the elected members of the board of guardians of such elective union shall from time to time be summoned by such clerk for the purpose of electing members to represent such union at the county board at such time within the limits of time prescribed by this Act, and at such place as may from time to time be directed by the board of guardians of the poor law union, or in default of such direction may be determined by the clerk of the board of guardians.

The elected members of a board of guardians of an elective union shall, on their meeting together for the purpose of the election of members of the county board, choose one of their body to be chairman.

THIRD SCHEDULE.

Proceedings of County Boards.

1. The board shall meet for the despatch of business, and shall from time to time make such regulations with respect to the summoning, notice, place, management, and adjournment of such meetings, and generally with respect to the transaction and management of business, including the quorum at meetings of the board, as they think fit, subject to the following conditions:

(*a.*) The first meeting shall be held at such time, not exceeding four months after the date of the passing of this Act, as may be determined by the chairman of the court of quarter sessions of the county, and notice of the time and place at which such meeting is to be held shall be sent by the clerk of the peace to the address of every elective member of the board by a letter prepaid;

(*b.*) Not less than four ordinary meetings shall be held in each period of twelve months;

(*c.*) An extraordinary meeting may be summoned at any time on the requisition of three members of the board addressed to the clerk of the board;

(*d.*) The quorum to be fixed by the board shall consist of not less than three members;

(*e.*) Every question shall be decided by a majority of votes of the members present, and voting on that question;

(*f.*) The names of the members present at a meeting, and upon a requisition made by three or more members voting on a question, the names of the members voting on that question shall be recorded.

2. The board shall at the first meeting, and afterwards from time to time at their first meeting after each annual election of members to the board, appoint one of their members to be chairman for the year following such choice.

3. If any casual vacancy occur in the office of chairman, the board shall, as soon as they conveniently can after the occurrence of such vacancy, choose some member of their number to fill such vacancy; and every such chairman so elected as last aforesaid shall continue in office so long only as the person in whose place he is so elected would have been entitled to continue if such vacancy had not happened.

A.D. 1869.

4. If at any meeting the chairman is not present at the time appointed for holding the same, the members present shall choose some one of their number to be chairman of such meeting.

5. In case of an equality of votes at any meeting the chairman for the time being of such meeting shall have a second or casting vote.

FOURTH SCHEDULE.

Proceedings of Committees of County Boards.

1. A committee of a county board shall meet for the despatch of business, and shall from time to time make such regulations with respect to the summoning, notice, place, management, and adjournment of such meetings, and generally with respect to the transaction and management of business, as they think fit, subject to the following conditions:

(*a.*) Every question shall be decided by a majority of votes of the members present, and voting on that question;

(*b.*) The names of the members present at a meeting, and upon a requisition made by three or more members voting on a question, the names of the members voting on that question shall be recorded.

2. A committee of a county board may elect a chairman of their meetings. If no such chairman is elected, or if he is not present at the time appointed for holding the same, the members present shall choose one of their number to be chairman of such meeting.

3. In case of an equal division of votes at any meeting, the chairman for the time being of such meeting shall have a second or casting vote.

County Administration.

A

B I L L

For establishing Administrative Boards for the transaction of County Business in England.

(*Prepared and brought in by*
Mr. Knatchbull-Hugessen, Mr. Secretary Bruce,
and Mr. Arthur Peel.)

Ordered, by The House of Commons, *to be Printed,*
11 *May* 1869.

[Bill 119.]

Under 2 oz.

A

B I L L

TO

Amend the law relating to the office and appointment of County Coroners, and for other purposes relating thereto.

A.D. 1869.

7 & 8 Vict. c. 92.

WHEREAS it is expedient to amend the law with respect to the appointment of coroners for counties:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this Parliament assembled, and by the authority of the same, as follows:

Coroners for counties to be appointed by Lord Chancellor [or Principal Secretary of State.]

1. From and after the *passing of this Act*, as often as any vacancy shall happen in the office of coroner for any county, riding, division, or district in England or Wales, the election to which is now by law in the freeholders of such county, riding, division, or district, it shall be lawful for the Lord High Chancellor [or Her Majesty's Principal Secretary of State for the Home Department] to appoint a fit and proper person to be coroner for such county, riding, division, or district, and to swear into office the person so appointed; and after such appointment no election shall take place by the freeholders of such county, riding, division, or district to fill up such vacancy, but such appointment by the Chancellor [or Secretary of State] shall be good and effectual to all intents and purposes, any law, usage, or custom to the contrary thereof in anywise notwithstanding; and such person so appointed shall be the coroner for such county, riding, division, or district, as the case may be, and shall exercise the said office therein, and shall have all the powers and be subject to the liabilities in all respects as if he had been elected thereto by the freeholders of such county, riding, division, or district.

22 Vict. c. 26.
27 & 28 Vict. c. 42.
28 & 29 Vict. c. 126.
29 Vict. c. 31.
29 & 30 Vict. c. 68.
29 & 30 Vict. c. 113.

2. And whereas by statute twenty-second Victoria, chapter twenty-six, provisions are made for granting superannuation allowances to persons who shall have served in any established capacity in the permanent civil service of the State, and by several subsequent statutes, provisions are made for superannuation allowances to officers of unions and parishes, to officers of prisons, to officers

A.D. 1869.

of vestries and other boards, and to persons holding certain offices connected with the administration of justice in England:

23 & 24 Vict. c. 116.
5 & 6 W. 4. c. 76. s. 62.

And whereas the office of coroner is a very ancient and important public office connected with the administration of justice, and coroners of counties are paid by salary, and coroners of municipal boroughs by fees, during the time they respectively hold the office, but there is no provision made for granting them a superannuation allowance in case of age or infirmity:

Be it enacted as follows:

Superannuation allowance to coroners.

In case any coroner now in office or hereafter to be elected shall from age or infirmity become incapable of executing the duties of his office, it shall be lawful for the justices of the peace of any county, city, riding, liberty, division, or district, in general or quarter session assembled, and for the town council of any municipal borough, (as the case may be,) upon the request of any coroner, to grant to such coroner an annuity, by way of superannuation allowance, for such an amount and under such regulations as are prescribed with reference to persons having held civil offices in the public service, by the said Act of the twenty-second Victoria, chapter twenty-six, and shall charge such allowance to the same funds, to which the salary or fees of such coroner would have been charged if he had continued in office. Provided always, that in case any such justices or town council and any such coroner shall be unable to agree as to the amount of such allowance, it shall be lawful for Her Majesty's Principal Secretary of State for the Home Department, and he is required, on the application of such coroner, to fix and determine the amount of such allowance, having regard to the provisions of the said statute, and also to the special circumstances of each case.

23 & 24 Vict. c. 116. s. 4.

Increase and revision of salary of coroners repealed.

3. From and after the *passing of this Act* so much of the fourth section of the twenty-third and twenty-fourth Victoria, chapter one hundred and sixteen, as provides for a quinquennial revision and increase of the salary of county coroners, shall be and the same is hereby repealed, and a fixed salary shall be adopted in lieu thereof.

County coroners to be paid salary on average of past 5 years. See 23 & 24 Vict. c. 116. s. 4.

4. On and after the *first day of January one thousand eight hundred and seventy* such annual salary shall be paid to every county coroner as shall be agreed upon between him and the justices in general or quarter sessions assembled for the county for which or for some portion of which such coroner shall act, such salary, in the case of any person holding the office of county coroner at the time of the passing of this Act, not being less than the average amount of the fees, mileage, and allowances, having regard to the number of inquests held by any such coroner and his predecessor, if any, for the *five years* immediately preceding the *thirty-first day of December one thousand eight hundred and sixty-eight;* and such salary shall be paid quarterly on the four usual quarter days to such coroner by the treasurer of the county out of the county rates; and whenever, from death, removal, or any other cause whatever, any county coroner shall not be entitled to a salary for the whole of a quarter, a proportionate part of the salary shall be paid to him, or, in case of his death, to his personal representatives: provided always, that in case any such justices and any such county coroner as aforesaid shall be unable to agree as to the amount of the amount of the salary to be paid to such coroner, it shall be lawful for Her Majesty's Principal Secretary of State for the Home Department, and he is required, upon the application of such coroner, to fix and determine the amount of such salary, having regard to such average aforesaid, also the average number of inquests held by any such coroner in the preceding *five years* as aforesaid, and also to the special circumstances of each case: provided always, that nothing herein contained shall in any manner take away, alter, or deprive any such coroner of the right to be repaid, out of the county rate, expenses and disbursements which may have been paid or made by him on the holding of any inquest as provided by the Act first Victoria, chapter sixty-eight.

Interpretation of "county."

5. The word "county" in and throughout this Act shall be deemed and taken to include all counties, ridings, divisions, hundreds, wards, liberties, and other places, the coroners whereof are paid out of the county rates.

Saving rights of the Crown, &c.

6. Nothing herein contained shall be construed to abridge or affect the royal prerogative, or any right vested in any person or persons, to appoint, by patent or by election or otherwise, any coroner for any city, borough, liberty, franchise, manor, or place, or the authority of the Lord Chancellor, or to issue a writ de coronatore eligendo.

Extent of Act.

7. The said Acts of the seventh and eighth Victoria, chapter ninety-two, twenty-third and twenty-fourth Victoria, chapter one hundred and sixteen, (as varied by this Act,) and this Act, shall extend only to that part of the United Kingdom called England and Wales.

County Coroners.

A

BILL

To amend the law relating to the office and appointment of County Coroners, and for other purposes relating thereto.

(Prepared and brought in by
Mr. Goldney, Mr. Thomas Chambers, and
Mr. Pease.)

Ordered, by The House of Commons, *to be Printed,*
13 *April* 1869.

[Bill 75.]

Under 1 *oz.*

A
BILL
[AS AMENDED IN COMMITTEE]
TO

Amend the law relating to the office and appointment of County Coroners, and for other purposes relating thereto.

A.D. 1869.

WHEREAS it is expedient to amend the law with respect to the appointment of coroners for counties:

7 & 8 Vict. c. 92.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this Parliament assembled, and by the authority of the same, as follows:

Coroners for counties to be elected by resident freeholders on parliamentary register.

1. From and after the passing of this Act, as often as any vacancy shall happen in the office of coroner for any county, riding, division, or district in England or Wales, the election to which is now by law in the freeholders of such county, riding, division, or district, such election shall in future be by such freeholders only of the county, riding, division, or district as are on the parliamentary register of such county, riding, division, or district, and reside within the county, riding, division, or district for which such election of coroners is to take place; and such election shall be good and effectual to all intents and purposes, any law, usage, or custom to the contrary thereof in anywise notwithstanding; and such person so elected shall be the coroner for such county, riding, division, or district, as the case may be, and shall exercise the said office therein, and shall have all the powers and be subject to the liabilities in all respects as other county coroners.

Coroner may apply to Home Secretary to revise schedule of fees, &c.

2. And whereas provision is made by the first Victoria, chapter sixty, for the justices of the peace to make a schedule of the several fees, allowances, and disbursements to be paid by the coroner holding any inquest (except fees to medical witnesses), and the schedules in various counties are so dissimilar and in some cases so insufficient that impediments arise in the administration of justice:

It shall be lawful for any coroner, if he is dissatisfied with such schedule, to apply to Her Majesty's Principal Secretary of State for the Home Department, who is hereby authorized and required to revise and alter the same in such manner as he shall decree right.

22 Vict. c. 26.
27 & 28 Vict. c. 42.
28 & 29 Vict. c. 126.
29 Vict. c. 31.
29 & 30 Vict. c. 68.
29 & 30 Vict. c. 113.

3. And whereas by statute twenty-second Victoria, chapter twenty-six, provisions are made for granting superannuation allowances to persons who shall have served in any established capacity in the permanent civil service of the State, and by several subsequent statutes, provisions are made for superannuation allowances to officers of unions and parishes, to officers of prisons, to officers of vestries and other boards, and to persons holding certain offices connected with the administration of justice in England:

23 & 24 Vict. c. 116.
5 & 6 W. 4. c. 76. s. 62.

And whereas the office of coroner is a very ancient and important public office connected with the administration of justice, and coroners of counties are paid by salary, and coroners of municipal boroughs by fees, during the time they respectively hold the office, but there is no provision made for granting them a superannuation allowance in case of age or infirmity:

Be it enacted as follows:

Superannuation allowance to coroners.

23 & 24 Vict. c. 116. s. 4.

In case any coroner now in office or hereafter to be elected shall from age or infirmity become incapable of executing the duties of his office, it shall be lawful for the justices of the peace of any county, city, riding, liberty, division, or district, in general or quarter session assembled, and for the town council of any municipal borough, (as the case may be,) upon the request of any coroner, to grant to such coroner an annuity, by way of superannuation allowance, for such an amount and under such regulations as are prescribed with reference to persons having held civil offices in the public service, by the said Act of the twenty-second Victoria, chapter twenty-six, and shall charge such allowance to the same funds, to which the salary or fees of such coroner would have been charged if he had continued in office. Provided always, that in case any such justices or town council and any such coroner shall be unable to agree as to the amount of such allowance, it shall be lawful for Her Majesty's Principal Secretary of State for the Home Department, and he is required, on the application of such coroner, to fix and determine the amount of such allowance, having regard to the provisions of the said statute, and also to the special circumstances of each case.

Coroners to make annual returns of inquests to Secretary of State.

4. The coroner of every county, city, riding, liberty, division, or district shall in the month of October in every year transmit to one of Her Majesty's Principal Secretaries of State a statement, in such form as one of the said Secretaries of State may from time to time direct, for the year ending the twenty-ninth day of September then last, of the number of inquests held by him or his deputy within such county, city, riding, liberty, division, or district, the finding of the jury in each case, and the result of the proceedings, if any, taken thereupon, and any other particulars which such coroner may think it material to furnish; and a classified abstract of all such reports and returns shall be annually prepared and laid before Parliament.

Increase and revision of salary of coroners repealed.

5. From and after the passing of this Act so much of the fourth section of the twenty-third and twenty-fourth Victoria, chapter one hundred and sixteen, as provides for a quinquennial revision and increase of the salary of county coroners, shall be and the same is hereby repealed, and a fixed salary shall be adopted in lieu thereof.

County coroners to be paid salary on average of past 5 years. See 23 & 24 Vict. c. 116. s. 4.

6. On and after the first day of January one thousand eight hundred and seventy such annual salary shall be paid to every county coroner as shall be agreed upon between him and the justices in general or quarter sessions assembled for the county for which or for some portion of which such coroner shall act, such salary, in the case of any person holding the office of county coroner at the time of the passing of this Act, not being less than the average amount of the fees, mileage, and allowances, having regard to the number of inquests held by any such coroner and his predecessor, if any, for the five years immediately preceding the thirty-first day of December one thousand eight hundred and sixty-eight; and such salary shall be paid quarterly on the four usual quarter days to such coroner by the treasurer of the county out of the county rates; and whenever, from death, removal, or any other cause whatever, any county coroner shall not be entitled to a salary for the whole of a quarter, a proportionate part of the salary shall be paid to him, or, in case of his death, to his personal representatives: provided always, that in case any such justices and any such county coroner as aforesaid shall be unable to agree as to the amount of the amount of the salary to be paid to such coroner, it shall be lawful for Her Majesty's Principal Secretary of State for the Home Department, and he is required, upon the application of such coroner, to fix and determine the amount of such salary, having regard to such average aforesaid, also the average number of inquests held by any such coroner in the preceding five years as aforesaid, and also to the special circumstances of each case: provided always, that nothing herein contained shall in any manner take away, alter, or deprive any such coroner of the right to be repaid, out of the county rate, expenses and disbursements which may have been paid or made by him on the holding of any inquest as provided by the Act first Victoria, chapter sixty-eight.

A.D. 1869.

Interpretation of "county."

7. The word "county" in and throughout this Act shall be deemed and taken to include all counties, ridings, divisions, hundreds, wards, liberties, and other places, the coroners whereof are paid out of the county rates.

Saving rights of the Crown, &c.

8. Nothing herein contained shall be construed to abridge or affect the royal prerogative, or any right vested in any person or persons, to appoint, by patent or by election or otherwise, any coroner for any city, borough, liberty, franchise, manor, or place, or the authority of the Lord Chancellor, or to issue a writ de coronatore eligendo.

Extent of Act.

9. The said Acts of the seventh and eighth Victoria, chapter ninety-two, twenty-third and twenty-fourth Victoria, chapter one hundred and sixteen, (as varied by this Act,) and this Act, shall extend only to that part of the United Kingdom called England and Wales.

County Coroners.

A

BILL

[AS AMENDED IN COMMITTEE]

To amend the law relating to the office and appointment of County Coroners, and for other purposes relating thereto.

(Prepared and brought in by Mr Goldney, Mr. Thomas Chambers, and Mr. Pease.)

Ordered, by The House of Commons, *to be Printed,* 28 *May* 1869.

[Bill 135.]

Under 1 *oz.*

A
BILL
TO

Amend the County Courts (Admiralty Jurisdiction) Act, 1868, and to give Jurisdiction in certain Maritime Causes.

A.D. 1869.

Preamble.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as The County Courts Admiralty Jurisdiction Amendment Act, 1869, and shall be read and interpreted as one Act with the County Courts Admiralty Jurisdiction Act, 1868.

Extension of jurisdiction over ships and goods.

2. Any county court appointed or to be appointed to have Admiralty jurisdiction shall have jurisdiction, and all powers and authorities relating thereto, to try and determine the following causes:

(1.) As to any claim arising out of any agreement made in relation to the use or hire of any ship, or in relation to the carriage of goods in any ship, and also as to any claim in tort in respect of goods carried in any ship, provided the amount claimed does not exceed three hundred pounds:

If parties agree, causes in respect of claims of higher amount may be determined by county court.

(2.) As to any cause in respect of any such claim or claims as aforesaid, but in which the amount claimed is beyond the amount limited as above mentioned, when the parties agree, by a memorandum signed by them or by their attorneys or agents, that any county court having Admiralty jurisdiction, and specified in the memorandum, shall have jurisdiction.

Proceedings in rem or in personam.

3. The jurisdiction conferred by this Act and by the County Courts Admiralty Jurisdiction Act, 1868, may be exercised either by proceedings in rem or by proceedings in personam.

[Bill 121.]

A.D. 1869.

Amendment of sec. 3 of Admiralty Jurisdiction Act, 1868.

4. The third section of the County Courts Admiralty Jurisdiction Act, 1868, shall extend and apply to all claims for damage to ships, whether by collision or otherwise, when the amount claimed does not exceed three hundred pounds.

As to appointment of mercantile assessors.

5. In any Admiralty or maritime cause the judge may, if he think fit, or on the request of either party, be assisted by two mercantile assessors; and all the provisions of the County Courts Admiralty Jurisdiction Act, 1868, with reference to nautical assessors, shall apply to the appointment, approval, summoning, and remuneration of such mercantile assessors.

Power of assessor of Court of Passage to make general rules and orders.

6. The assessor of the Court of Passage of the borough of Liverpool shall have power from time to time to make general rules and orders for regulating the practice and procedure of the Admiralty and maritime jurisdiction in the said court, and for other purposes mentioned in section thirty-five of the County Courts Admiralty Jurisdiction Act, 1868; and any general rules and orders already made or hereafter to be made by the said assessor for any of the purposes aforesaid shall be of full force and effect as if the same had been made under this or the aforesaid Act.

Commencement of Act.

7. This Act shall come into operation on the *first day of September one thousand eight hundred and sixty-nine.*

County Courts (Admiralty Jurisdiction) Act (1868) Amendment.

A

BILL

To amend the County Courts (Admiralty Jurisdiction) Act, 1868, and to give Jurisdiction in certain Maritime Causes.

(*Prepared and brought in by*
Mr. Norwood, Mr. Headlam, and Mr. Candlish.)

Ordered, by The House of Commons, *to be Printed,*
12 *May* 1869.

[Bill 121.]

Under 1 *oz.*

County Courts Proceedings Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Actions for goods sold may be brought in district where plaintiff carries on business.
3. Actions on bills of exchange may be brought in district where plaintiff carries on business.
4. Extension to County Courts of Bills of Exchange Act, 1855.
5. Judgment may be had in default after personal service in certain cases.

A

B I L L

FURTHER

To facilitate proceedings in the County Courts.

A.D. 1869.

WHEREAS it is expedient to give further facilities to plaintiffs bringing their actions in the County Courts:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The County Courts Act, 1869," and it shall be read and interpreted as one Act with the several statutes relating to the County Courts.

Action for goods sold may be brought in district where plaintiff carries on business.

2. In an action for the price or value of goods or chattels which, or some part of which, were sold and delivered to the defendant to be dealt with in the way of his trade, profession, or calling, the plaintiff may, at his option, enter the plaint in the district in which the defendant or one of the defendants shall dwell or carry on his business at the time of bringing the action or suit, or upon filing an affidavit to the effect set forth in the form given in Schedule A. to the County Courts Act, 1867, in the district in which the plaintiff shall dwell or carry on business; and the judgment, if for the plaintiff, shall be for payment forthwith, or at such time or times and by such instalments, if any, as the plaintiff, or his attorney or agent, shall in writing have consented to take at the time of the entry of the plaint.

Actions on bills of exchange may be brought in district where plaintiff carries on business.

3. An action on a bill of exchange or promissory note in which the sum mentioned exceeds five pounds in amount, and is not payable by instalments, may be brought in the Court within the district of which the plaintiff, if the holder thereof at the time the same became due, carries on business.

Extension to County Courts of Bills of Exchange Act, 1855.

4. The summary procedure on Bills of Exchange Act, 1855, shall extend and apply to the County Courts in all cases in which the sum mentioned in the bill or note exceeds five pounds in amount, and such bill or note is not payable by instalments.

A.D. 1869.

Judgment may be had in default after personal service in certain cases.

5. The twenty-eighth and twenty-ninth sections of the County Courts Act, 1856, shall extend and apply to all actions for a debt or liquidated money demand in which the plaintiff seeks to recover a sum exceeding five pounds in amount.

County Courts Proceedings.

A

B I L L

Further to facilitate proceedings in the County Courts.

(*Prepared and brought in by*
Mr. Norwood, Mr. Akroyd, and Mr. Mundella.)

Ordered, by The House of Commons, *to be Printed,*
19 *February* 1869.

[Bill 9.]

Under 1 *oz.*

Court of Common Pleas (County Palatine of Lancaster) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Power to the Chancellor to appoint district prothonotaries and assign districts.
2. Power to the Chancellor to appoint clerks to act within districts.
3. Every district prothonotary to have an office within district.
4. Duties of district prothonotaries and clerks.
5. Additional duties and powers to be discharged and exercised by district prothonotaries.
6. Power to the Chancellor to make and publish general rules.
7. Matters referred to in preceding section may be heard and determined by superior courts at Westminster or any one of judges.
8. Rules to be published in London Gazette.
9. Rules to be laid before Parliament.
10. Table of fees to be hung up in office of prothonotary and district prothonotary.
11. Duties and power of prothonotary.
12. No prothonotary or district prothonotary to practise or take fees.
13. Seal to be provided.
14. Office to be kept by sheriff.
15. How judgments, rules, and orders to be enforced.
16. Prothonotary and district prothonotaries to make out account of fees, and have the same audited.
17. Fees to be paid to "The Prothonotary's Fee Fund Account."
18. Payments to be made out of "The Prothonotary's Fee Fund Account."
19. Costs of Act.
20. Act may be amended.
21. Short title of Act.
22. When Act to come into operation.

A

BILL

TO

Authorize the appointment of District Prothonotaries of the Court of Common Pleas of the county palatine of Lancaster, and to provide for the better despatch of business therein.

A.D. 1869.

WHEREAS the Court of Common Pleas of the county palatine of Lancaster is an ancient court, and has been found greatly beneficial to the inhabitants of the said county palatine, and it is expedient to amend the practice thereof: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to the Chancellor to appoint district prothonotaries and assign districts.

1. The Chancellor of the duchy and county palatine of Lancaster for the time being may from time to time appoint, by writing under his hand, such competent persons as he shall think fit to act as district prothonotaries of the said Court of Common Pleas of the said county palatine during the pleasure of the Chancellor of the said duchy and county palatine for the time being, and may assign a district to the persons so appointed, and every district prothonotary shall be paid by salary as herein-after provided.

Power to the Chancellor to appoint clerks to act within districts.

2. The Chancellor of the said duchy and county palatine for the time being may also from time to time appoint by writing under his hand, such competent persons as he shall think fit to act during the pleasure of the said Chancellor for the time being, as clerks for the efficient despatch of business within any district, and every person so appointed shall be paid such sum by way of salary or remuneration as herein-after provided.

Every district prothonotary to have an office within district.

3. Every district prothonotary shall have an office in some convenient situation within his district, to be approved of by the Chancellor of the said duchy and county palatine for the time being, and the rent and taxes of and other expenses and outgoings connected with such office shall be paid as herein-after provided.

Duties of district prothonotaries and clerks.

4. Each of the district prothonotaries and his clerk or clerks shall within his district discharge such of the duties and have and exercise such of the powers and authorities which heretofore have been discharged, or had and exercised by the prothonotary, as shall be assigned to him by the Chancellor of the said duchy and county palatine for the time being: Provided always, that the duties and powers and authorities of associate are to be discharged, had, and exercised by the prothonotary as they have been heretofore discharged, had, and exercised by the prothonotary or acting prothonotary of the said court.

Additional duties and powers to be discharged and exercised by district prothonotaries.

5. In addition to the duties and powers to be discharged and exercised by the respective district prothonotaries, within their respective districts, as herein-before mentioned, each of the said district prothonotaries shall, with reference to the business of the said court within the district to which he shall be so appointed, discharge all the duties and have and exercise all the powers which now are or may be at any time discharged or exercised by any master of Her Majesty's Courts of Queen's Bench, Common Pleas, or Exchequer at Westminster; but every order made or process issued by virtue of this section shall be subject to appeal, and liable to be discharged as herein-after provided.

Power to the Chancellor to make and publish general rules.

6. It shall be lawful for the Chancellor of the said duchy and county palatine for the time being, with the advice and consent of the chief justice and one of the justices for the time being of the Court of Common Pleas at Lancaster, from time to time to make and publish general rules for the following purposes; that is to say,

1. For empowering the prothonotary or district prothonotary, or some one or more of them, to do any of such things, and to transact any of such business, and to exercise any of such authority and jurisdiction in respect of the Court of Common Pleas at Lancaster, as by virtue of any statute or custom, or by the rules and practice of Her Majesty's Courts of Queen's Bench, Common Pleas, and Exchequer of Pleas at Westminster, or any of them respectively, are now done, transacted, or exercised by a judge of the said courts sitting at chambers, and as shall be specified in any such rule; but every order made and thing done under this power shall be subject to appeal, and liable to be discharged as herein-after provided:

2. For regulating the attendance of the said prothonotary or district prothonotary at their respective offices, the course of practice to be there pursued, and the scale of costs to be there adopted:

3. For fixing, with the sanction of Her Majesty's Principal Secretary of State for the Home Department, the table of fees to be taken in respect of business to be transacted before the prothonotary or district prothonotary, and for abolishing or altering from time to time (with the like sanction) such table of fees:

4. For providing for the hearing by one or more of the judges of the court, either within the county palatine or in London or Westminster, of any appeal or application to the court, or for the hearing of any demurrer or special case, or obtaining or hearing of any rule or order or application of or to the said court.

Matters referred to in preceding section may be heard and determined by superior courts at Westminster or any one of judges.

7. Any such matter as last aforesaid may be heard and determined by any of the superior courts at Westminster, either sitting in banco or by any one of the judges of the said courts at chambers, when according to the practice of such court such matter would be heard by a single judge at chambers. Upon the hearing of any such matter the court or such superior court at Westminster or judge may make such order as to costs as may be just.

Rules to be published in London Gazette.

8. Every general rule to be made under this Act shall be published in the London Gazette within fourteen days at least before the day fixed for such rule coming into operation, and a copy of every such rule shall be hung up in some conspicuous place in the office of the prothonotary and of every district prothonotary.

Rules to be laid before Parliament.

9. Every general rule to be made under this Act shall be laid before both Houses of Parliament within *one month* after the making thereof, if Parliament be then sitting, or if Parliament be not then sitting, within *one month* after the commencement of the next session of Parliament.

Table of fees to be hung up in office of prothonotary and district prothonotary.

10. A table of all fees for the time being authorized to be taken by the prothonotary or district prothonotary shall be hung up in some conspicuous place in the office of the prothonotary and of every district prothonotary.

Duties and power of prothonotary.

11. The prothonotary shall continue to discharge and have and exercise the duties, powers, and authorities not expressly assigned to some district prothonotary; and the Chancellor of the said duchy and county palatine for the time being may from time to time assign a district to the prothonotary, within which he shall keep an office as herein-before provided with respect to every district prothonotary, and shall discharge the duties and have and exercise all the powers and authorities by this Act given to a district prothonotary.

No prothonotary or district prothonotary to practise or take fees.

12. It shall not be lawful for any prothonotary or district prothonotary, during the time he shall hold and exercise his office, either directly or indirectly, by himself, his partner, clerk, or other person, to practise in the said court, either as attorney originally retained for any party in any matter pending in the said court, or as agent for any other attorney practising in the said court, nor to participate in any costs payable to any attorney in respect of any such matters; and any prothonotary or district prothonotary being proved to the satisfaction of the said Chancellor to have so practised or to have participated in any costs as aforesaid contrary to the meaning and intent of this Act, shall be deemed to have committed, and shall be punishable as and for a contempt of court, and shall be liable to dismissal from his office.

Seal to be provided.

13. A proper seal shall be provided for the use of each of the districts of the said court, whereon shall be engraved the name of the court, together with the name of the district for which the same shall be provided, and all writs of summons or other process and papers requiring the seal of the said court shall in future be stamped with the seal of the said court for the district within which the action or other proceeding shall be commenced or carried on in lieu of the seal of the court with which the process of the court has heretofore been stamped.

Office to be kept by sheriff.

14. Whenever a district shall be assigned under this Act the sheriff of Lancashire shall in that district establish and maintain an office to issue and seal or cause to be issued and sealed warrants and other process in obedience to any writ of execution issuing out of the Court of Common Pleas at Lancaster in any action commenced within the district or out of any of the superior courts at Westminster; and any such warrants or other process to be so issued and sealed shall be as available for the whole of the county as if they had been issued and sealed at Preston as heretofore.

How judgments, rules, and orders to be enforced.

15. Every judgment and every rule and order of the court shall and may be enforced by the same process and in the same manner, and shall have the same effect, and such writ of execution and other process be had thereon, as if it were a judgment, rule, or order of one of the superior courts at Westminster, and all sheriffs and others shall obey the same and act accordingly.

Prothonotary and district prothonotaries to make out account of fees, and have the same audited.

16. The prothonotary and every district prothonotary for the time being shall once in every year, or oftener if required by the Chancellor of the said duchy and county palatine for the time being, on such day as shall be appointed for that purpose by the auditor for the time being of the duchy of Lancaster, make out a full and true account of all fees received by him or them by virtue of his or their office, including the fees received by the prothonotary as associate as aforesaid, during the preceding year or subsequent to his last account, and shall have such account audited by such auditor for the time being, who is hereby required to audit the same, and if found correct, to allow the same by putting his signature thereto, and to a duplicate copy thereof.

Fees to be paid to "The Prothonotary's Fee Fund Account."

17. The prothonotary and every district prothonotary shall from time to time when so required by the Chancellor for the time being of the said duchy and county palatine, pay over to the credit of "The Prothonotary's Fee Fund Account of the County Palatine of Lancaster," which account shall be kept at the banking house of some bankers in London to be named by the said Chancellor, all fees which shall be received by such prothonotary or district prothonotary in virtue of his office, including the fees received by the prothonotary as associate or acting associate as aforesaid, and every such prothonotary or district prothonotary shall give such security, by bond or otherwise as to the said Chancellor shall seem fit, for the due accounting for and payment of all fees for all sums of money which shall be received by such prothonotary or district prothonotary by virtue of his office, including the fees received by the prothonotary as associate or acting associate as aforesaid; the fees received by the prothonotary since the death of Sir Charles Phipps shall be also paid to the aforesaid prothonotary fee fund account; any monies from time to time standing to such account may be invested, and such investments may from time to time be realized and got in as circumstances may require and the said Chancellor shall from time to time by any writing direct.

Payments to be made out of "The Prothonotary's Fee Fund Account."

18. There shall be paid out of "The Prothonotary's Fee Fund Account," first, the rents and taxes of and all other expenses and outgoings connected with the offices to be kept in the several districts, as herein-before provided; and, secondly, there shall be paid out of the prothonotary's fee fund account to the prothonotary and the district prothonotaries and clerks for the time being such sum by way of salary or remuneration as the Chancellor for the time being of the said duchy and county palatine shall from time to time by warrant under his hand authorize and direct.

Costs of Act.

19. The costs of this Act shall be the first charge on and be paid out of the monies paid to "The Prothonotary's Fee Fund Account."

Act may be amended.

20. This Act may be amended during the present session of Parliament.

Short title of Act.

21. This Act may be cited for all purposes as "The Common Pleas at Lancaster Amendment Act, 1869."

When Act to come into operation.

22. This Act shall come into operation on the day of next.

Court of Common Pleas
(County Palatine of Lancaster)
Bill.

A

BILL

To authorize the appointment of District Prothonotaries of the Court of Common Pleas of the county palatine of Lancaster, and to provide for the better despatch of business therein.

(Prepared and brought in by
Mr. West, Mr. Bazley, and Mr. Davison.)

Ordered, by The House of Commons, *to be Printed,*
26 *February* 1869.

[Bill 26.]

Under 1 *oz.*

Court of Common Pleas (County Palatine of Lancaster) Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Power to the Chancellor to appoint district prothonotaries and assign districts.
2. Power to the Chancellor to appoint clerks to act within districts.
3. Every district prothonotary to have an office within district.
4. Duties of district prothonotaries and clerks.
5. Additional duties and powers to be discharged and exercised by district prothonotaries.
6. Power to the Chancellor to make and publish general rules.
7. Matters referred to in preceding section may be heard and determined by superior courts at Westminster or any one of the judges.
8. Rules to be published in London Gazette.
9. Rules to be laid before Parliament.
10. Table of fees to be hung up in office of prothonotary and district prothonotary.
11. Duties and power of prothonotary.
12. No prothonotary or district prothonotary to practise or take fees.
13. Power to appoint deputy prothonotary.—CLAUSE A.
14. Seal to be provided.
15. How writs, judgments, rules, and orders to be enforced.
16. Prothonotary and district prothonotaries to make out account of fees, and have the same audited.
17. Fees to be paid to "The Prothonotary's Fee Fund Account."
18. Payments to be made out of "The Prothonotary's Fee Fund Account."
19. No person to be entitled to compensation in case of alteration of duties, or abolition of office.—CLAUSE B.
20. Costs of Act.
21. Short title of Act.
22. When Act to come into operation.

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Authorize the appointment of District Prothonotaries of the Court of Common Pleas of the county palatine of Lancaster, and to provide for the better despatch of business therein.

A.D. 1869.

WHEREAS the Court of Common Pleas of the county palatine of Lancaster is an ancient court, and has been found greatly beneficial to the inhabitants of the said county palatine, and it is expedient to amend the practice thereof: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power to the Chancellor to appoint district prothonotaries and assign districts.

1. The Chancellor of the duchy and county palatine of Lancaster for the time being may from time to time appoint, by writing under his hand, such competent persons as he shall think fit, being a barrister-at-law, a special pleader, or attorney-at-law of five years standing at least, to act as district prothonotaries of the said Court of Common Pleas of the said county palatine during good behaviour, and may assign a district to the persons so appointed, and every district prothonotary shall be paid by salary as herein-after provided.

Power to the Chancellor to appoint clerks to act within districts.

2. The Chancellor of the said duchy and county palatine for the time being may also from time to time appoint, by writing under his hand, such competent persons as he shall think fit to act during the pleasure of the said Chancellor for the time being as clerks for the efficient despatch of business within any district, and every person so appointed shall be paid such sum by way of salary or remuneration as herein-after provided.

Every district prothonotary to have an office within district.

3. Every district prothonotary shall have an office in some convenient situation within his district, to be approved of by the Chancellor of the said duchy and county palatine for the time being, and the rent and taxes of and other expenses and outgoings connected with such office shall be paid as herein-after provided.

Duties of district prothonotaries and clerks.

4. Each of the district prothonotaries and his clerk or clerks shall within his district discharge such of the duties and have and exercise such of the powers and authorities which heretofore have been discharged, or had and exercised by the prothonotary, as shall be assigned to him by the Chancellor of the said duchy and county palatine for the time being: Provided always, that the duties and powers and authorities of associate are to be discharged, had, and exercised by the prothonotary as they have been heretofore discharged, had, and exercised by the prothonotary or acting prothonotary of the said court.

Additional duties and powers to be discharged and exercised by district prothonotaries.

5. In addition to the duties and powers to be discharged and exercised by the respective district prothonotaries, within their respective districts, as herein-before mentioned, each of the said district prothonotaries shall, with reference to the business of the said court within the district to which he shall be so appointed, discharge all the duties and have and exercise all the powers which now are or may be at any time discharged or exercised by any master of Her Majesty's Courts of Queen's Bench, Common Pleas, or Exchequer at Westminster; but every order made or process issued by virtue of this section shall be subject to appeal, and liable to be discharged as herein-after provided.

Power to the Chancellor to make and publish general rules.

6. It shall be lawful for the Chancellor of the said duchy and county palatine for the time being, with the advice and consent of the chief justice and one of the justices for the time being of the Court of Common Pleas at Lancaster, from time to time to make and publish general rules for the following purposes; that is to say,

1. For empowering the prothonotary or district prothonotary, or some one or more of them, to do any of such things, and to transact any of such business, and to exercise any of such authority and jurisdiction in respect of the Court of Common Pleas at Lancaster, as by virtue of any statute or custom, or by the rules and practice of Her Majesty's Courts of Queen's Bench, Common Pleas, and Exchequer of Pleas at Westminster, or any of them respectively, are now done, transacted, or exercised by a judge of the said courts sitting at chambers, and as shall be specified in any such rule; but every order made and thing done under this power shall be subject to appeal, and liable to be discharged as herein-after provided:

2. For regulating the attendance of the said prothonotary or district prothonotary at their respective offices, the course of practice to be there pursued, and the scale of costs to be there adopted:

3. For fixing, with the sanction of the Lords Commissioners of Her Majesty's Treasury, the table of fees to be taken in respect of business to be transacted before the prothonotary or district prothonotary, and for abolishing or altering from time to time (with the like sanction) such table of fees:

4. For providing for the hearing by one or more of the judges of the court, either within the county palatine or in London or Westminster, of any appeal or application to the court, or for the hearing of any demurrer or special case, or obtaining or hearing of any rule or order or application of or to the said court.

Matters referred to in preceding section may be heard and determined by superior courts at Westminster or any one of judges.

7. Any such matter as last aforesaid may be heard and determined by any of the superior courts at Westminster, either sitting in banco or by any one of the judges of the said courts at chambers, when according to the practice of such court such matter would be heard by a single judge at chambers. Upon the hearing of any such matter the court or such superior court at Westminster or judge may make such order as to costs as may be just.

Rules to be published in London Gazette.

8. Every general rule to be made under this Act shall be published in the London Gazette within fourteen days at least before the day fixed for such rule coming into operation, and a copy of every such rule shall be hung up in some conspicuous place in the office of the prothonotary and of every district prothonotary.

Rules to be laid before Parliament.

9. Every general rule to be made under this Act shall be laid before both Houses of Parliament within one month after the making thereof, if Parliament be then sitting, or if Parliament be not then sitting, within one month after the commencement of the next session of Parliament.

Table of fees to be hung up in office of prothonotary and district prothonotary.

10. A table of all fees for the time being authorized to be taken by the prothonotary or district prothonotary shall be hung up in some conspicuous place in the office of the prothonotary and of every district prothonotary.

Duties and power of prothonotary.

11. The prothonotary shall continue to discharge and have and exercise the duties, powers, and authorities not expressly assigned to some district prothonotary; and the Chancellor of the said duchy and county palatine for the time being may from time to time assign a district to the prothonotary, within which he shall keep an office as herein-before provided with respect to every district prothonotary, and shall discharge the duties and have and exercise all the powers and authorities by this Act given to a district prothonotary.

No prothonotary or district prothonotary to practise or take fees.

12. It shall not be lawful for any prothonotary or district prothonotary, or his partner, during the time he shall hold and exercise his office, either directly or indirectly, by himself, his partner, clerk, or other person, to practise in the said court, either as attorney originally retained for any party in any matter pending in the said court, or as agent for any other attorney practising in the said court, nor to participate in any costs payable to any attorney in respect of any such matters; and any prothonotary or district prothonotary being proved to the satisfaction of the said Chancellor to have so practised, or to have participated in any costs as aforesaid, contrary to the meaning and intent of this Act, shall be deemed to have committed and shall be punishable as and for a contempt of court, and shall be liable to dismissal from his office.

CLAUSE A.
Power to appoint deputy prothonotary.

13. In case of the illness or unavoidable absence of the prothonotary or district prothonotary, it shall be lawful for him from time to time to appoint by writing under his hand any fit person to be his deputy, and such deputy while acting under such appointment shall have all the powers and shall perform all the duties of such prothonotary or district prothonotary.

Seal to be provided.

14. A proper seal shall be provided for the use of each of the districts of the said court, whereon shall be engraved the name of the court, together with the name of the district for which the same shall be provided, and all writs of summons or other process and papers requiring the seal of the said court shall in future be stamped with the seal of the said court for the district within which the action or other proceeding shall be commenced or carried on, in lieu of the seal of the court with which the process of the court has heretofore been stamped.

How writs, judgments, rules, and orders to be enforced.

15. Every writ and judgment and every rule and order and process of the court shall and may be enforced in the same manner, and shall have the same effect, as if it were a writ, judgment, rule, or order or process of one of the superior courts at Westminster, and all sheriffs and others shall obey the same and act accordingly.

Prothonotary and district prothonotaries to make out account of fees, and have the same audited.

16. The prothonotary and every district prothonotary for the time being shall once in every year, or oftener if required by the Chancellor of the said duchy and county palatine for the time being, on such day as shall be appointed for that purpose by the auditor for the time being of the duchy of Lancaster, make out a full and true account of all fees received by him or them by virtue of his or their office, including the fees received by the prothonotary as associate as aforesaid, during the preceding year or subsequent to his last account, and shall have such account audited by such auditor for the time being, who is hereby required to audit the same, and if found correct, to allow the same by putting his signature thereto, and to a duplicate copy thereof.

Fees to be paid to "The Prothonotary's Fee Fund Account."

17. The prothonotary and every district prothonotary shall from time to time, when so required by the Chancellor for the time being of the said duchy and county palatine, pay over to the credit of "The Prothonotary's Fee Fund Account of the County Palatine of Lancaster," which account shall be kept at the Bank of England, all fees which shall be received by such prothonotary or district prothonotary in virtue of his office, including the fees received by the prothonotary as associate or acting associate as aforesaid, and every such prothonotary or district prothonotary shall give such security, by bond or otherwise as to the said Chancellor shall seem fit, for the due accounting for and payment of all fees for all sums of money which shall be received by such prothonotary or district prothonotary by virtue of his office, including the fees received by the prothonotary as associate or acting associate as aforesaid; the fees received by the prothonotary since the death of Sir Charles Phipps, and in his hands at the date of the passing of this Act, shall be also paid to the aforesaid prothonotary fee fund account; any monies from time to time standing to such account may be invested, and such investments may from time to time be realized and got in, as circumstances may require, and the said Chancellor shall from time to time by any writing direct.

Payments to be made out of "The Prothonotary's Fee Fund Account."

18. There shall be paid out of "The Prothonotary's Fee Fund Account" such sums as shall be sanctioned by the said Lords Commissioners for the rents and taxes of and all other expenses and outgoings connected with the offices to be kept in the several districts, as herein-before provided; and, secondly, there shall be paid out of the prothonotary's fee fund account to the prothonotary and the district prothonotaries and clerks for the time being such sum by way of salary or remuneration as the Chancellor for the time

A.D. 1869.

being of the said duchy and county palatine, with the sanction of the said Commissioners, shall from time to time by warrant under his hand authorize and direct.

Clause B. No person to be entitled to compensation in case of alteration of duties, or abolition of office.

19. No person shall be entitled to any compensation in respect of the emoluments of any office under this Act in case any alteration shall be made in the duties thereof, or the same shall be abolished.

Costs of Act.

20. The costs of this Act shall be the first charge on and be paid out of the monies paid to "The Prothonotary's Fee Fund Account."

Short title of Act.

21. This Act may be cited for all purposes as "The Common Pleas at Lancaster Amendment Act, 1869."

When Act to come into operation.

22. This Act shall come into operation on the first day of June next.

Court of Common Pleas
(County Palatine of Lancaster).

A

BILL

[As amended in Committee]

To authorize the appointment of District Prothonotaries of the Court of Common Pleas of the county palatine of Lancaster, and to provide for the better despatch of business therein.

(*Prepared and brought in by Mr. West, Mr. Bazley, and Mr. Davison.*)

Ordered, by The House of Commons, *to be Printed,*
19 *April* 1869.

[Bill 86.]

Under 1 *oz.*

A
BILL
TO

Repeal that portion of the Act sixth and seventh Victoria, chapter seventy-eight, which directs the payment of five hundred pounds a year into the Consolidated Fund out of monies exclusively levied in Ireland.

A.D. 1869.

Preamble.
1 Vict. c. 54. s. 17.

WHEREAS by the seventeenth section of the Act of the first year of Her Majesty, chapter fifty-four, it is enacted that it shall be lawful for the Lord Lieutenant of Ireland in Council to direct that a fee not exceeding five shillings in every one hundred pounds to which the debit side of any treasurer's account therein referred to shall amount shall be paid by each such treasurer in the same manner as any other presentment, and that the amount of such fee shall be levied off each county in Ireland by grand jury presentment, and that the fees so payable shall constitute a fee fund for the purposes of that Act:

And whereas by the third section of the Act of the sixth and seventh years of Her Majesty, chapter seventy-eight, it was enacted that from and after the appointment of any second remembrancer under that Act, one of whose duties it was to audit the said accounts, the said fee fund should be charged with an annual sum of five hundred pounds to be paid into the Consolidated Fund of Great Britain and Ireland:

And whereas by the Act of the thirteenth and fourteenth years of Her Majesty, chapter fifty-one, the office of second remembrancer was, among others, abolished, and the chief or under secretary of the Lord Lieutenant of Ireland for the time being was directed to audit the said accounts, and to possess all such powers as had been conferred upon the second remembrancer for that purpose:

And whereas the amount annually levied off the counties of Ireland by grand jury presentment has exceeded the amount required, and it is therefore expedient that the said sum of five hundred pounds should cease to be levied:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Tem-

A.D. 1869.

poral, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Payment of 500*l.* out of the counties fee fund account in Ireland to cease after the passing of Act.

1. From and after the *passing* of this Act so much of the third section of the said Act of the sixth and seventh years of Her Majesty, chapter seventy-eight, as enacts that the fee fund established under the provisions of the said Act of the first year of Her Majesty, chapter fifty-four, shall be charged with an annual sum of five hundred pounds, to be paid into the receipt of Her Majesty's Exchequer in Dublin, and carried to the credit of the Consolidated Fund, shall be and is hereby repealed.

The separate account thereof to be closed, and balance to be paid into Consolidated Fund.

2. The separate account kept thereof, as provided by that section, shall be closed from and after the *passing* of this Act, and the balance of such account, if any, shall be carried to the credit of the said Consolidated Fund.

Court of Exchequer (Ireland) Offices.

A

BILL

To repeal that portion of the Act sixth and seventh Victoria, chapter seventy-eight, which directs the payment of five hundred pounds a year into the Consolidated Fund out of monies exclusively levied in Ireland.

(*Prepared and brought in by*
Colonel French and Mr. M'Mahon.)

Ordered, by The House of Commons, *to be Printed,*
7 *April* 1869.

[Bill 63.]

Under 1 *oz.*

A

B I L L

TO

Amend the Court of Session Act, 1868, in so far as the exemption of Lighthouse Keepers and their assistants from serving on Juries is thereby abolished.

A.D. 1869.

1 & 2 Vict. c. 119.

31 & 32 Vict. c. 100.

WHEREAS an Act was passed in the first and second years of Her present Majesty, chapter one hundred and nineteen, in the twenty-seventh section whereof it is *inter alia* enacted, that keepers of lighthouses and their assistants shall be freed and exempted from being returned and from serving upon juries; and another Act was passed in the thirty-first and thirty-second years of Her present Majesty, chapter one hundred, in the forty-third section whereof it is enacted that, " All exemptions from liability " to serve as jurors in Scotland depending on any Act passed " subsequently to the Act sixth George the Fourth, chapter twenty- " two, are hereby abolished," and it is expedient that the last-recited enactment in as much as it abolishes the exemption of lighthouse keepers and their assistants should be amended :

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. Lighthouse keepers and their assistants are hereby freed and exempted from being returned and from serving upon juries.

Court of Session Act (1868) Amendment.

A

B I L L

To amend the Court of Session Act, 1868, in so far as the exemption of Lighthouse Keepers and their assistants from serving on Juries is thereby abolished.

(Prepared and brought in by
The Lord Advocate, Mr. Secretary Bruce, and
Mr. Solicitor-General for Scotland).

Ordered, by The House of Commons, *to be Printed,*
3 *June* 1869.

Under 1 *oz.*

117

A
BILL
TO

Enable the Commissioners of Her Majesty's Works and Public Buildings to acquire a new Site for the Erection and Concentration of the Courts of Justice and of various Offices belonging to the same, and to amend the Acts relating to the Concentration of the Courts of Justice.

A.D. 1869.

WHEREAS it is expedient that the courts of justice and offices in connexion therewith should be built on or near that portion of the land reclaimed by the embankment of the river Thames, which lies between the Temple and Somerset House: And whereas the lands required for such buildings cannot be obtained without the authority of Parliament:

And whereas duplicate plans describing the lands required to be taken for the purposes aforesaid, in this Act referred to as the prescribed lands, with a book of reference thereto containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers thereof, will, in or before the month of June one thousand eight hundred and sixty-nine, be deposited with the clerk of the peace for the county of Middlesex at his office in the Sessions House, Clerkenwell:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title.

1. This Act may be cited for all purposes as the Courts of Justice (Embankment) Site Act, 1869.

Incorporation of commissioners for the purposes of the Act.

2. The Commissioners of Her Majesty's Works and Public Buildings (herein-after referred to as "the commissioners") shall be incorporated for the purposes of this Act by the name of "The

A.D. 1869.

Commissioners of Her Majesty's Works and Public Buildings," and by that name shall have perpetual succession and a common seal, with power to acquire and hold lands for the purposes of this Act.

Site and Buildings.

Power of commissioners to purchase lands and build courts.

3. With the consent of the Treasury the commissioners may purchase, take, and use the prescribed lands or any part thereof, may pull down and remove any subsisting buildings, and may construct thereon such courts of justice, with convenient offices and approaches, as they may think expedient.

8 & 9 Vict. c. 18. and 23 & 24 Vict. c. 106. incorporated.

4. The Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860, shall be incorporated with this Act, with the exceptions and additions and subject to the provisions herein-after contained; (that is to say,)

(1.) There shall not be incorporated with this Act the provisions of the Lands Clauses Consolidation Act, 1845, relating to affording access to the special Act:

(2.) In the construction of this Act and the said incorporated Acts this Act shall be deemed to be the special Act, and the commissioners shall be deemed to be the promoters of the undertaking:

(3.) The bond required by section five of the Lands Clauses Consolidation Act, 1845, shall be under the common seal of the commissioners, and shall be sufficient without the addition of the sureties in the said section mentioned:

(4.) The term "sheriff" used in the provisions of the Lands Clauses Consolidation Act, 1845, relating to the reference to a jury, shall be deemed to apply to the high bailiff of the city and liberty of Westminster, or his deputy.

Commissioners not to take possession of lands under compulsory powers before June 30, 1870.

5. The commissioners shall not before the *thirtieth of June one thousand eight hundred and seventy*, take possession of any of the said lands without the consent of the owners and occupiers thereof.

Power of owners, lessees, and occupiers to serve notice on commissioners requiring them to take land.

6. Any party entitled to any interest in the said lands upon whom the commissioners may not, within *three months* after the passing of this Act, have served notice of their willingness to treat for the purchase of such interest may, at any time thereafter, by notice under his hand, require the commissioners to state whether they will or not purchase such interest, and if at the expiration of one month from the date of the receipt of such notice by the commissioners, the commissioners have not served notice on such party of their willingness to treat for the purchase of such interest, it shall not be lawful for the said commissioners thereafter to acquire such interest except by agreement.

Extinction of rights of way.

7. Upon the purchase by the commissioners of the prescribed lands, or any part thereof, all rights of way, rights of continuing any pipes, sewers, or drains on, through, or under such lands or part thereof, and all other rights or easements in or relating to such lands or part thereof, shall be extinguished, and all the soil of such ways, and the property in the pipes, sewers, or drains, shall vest in the commissioners, subject to this provision, that all persons and bodies of persons, corporate or unincorporate, may recover from the commissioners such compensation, if any, as they may be entitled to for any rights or property of which they may be deprived in pursuance of this section, the amount of such compensation to be determined in manner provided by "The Lands Clauses Consolidation Act, 1845."

Power of commissioners to erect temporary landing stages for building.

8. The commissioners may obtain access to the river Thames and may erect on the banks of the Thames such convenient landing stages as they may require for the purpose of the buildings to be erected by them under this Act, subject to the following proviso, that such stages shall be erected and carried over at such height above the embankment roadway and footway as to offer no obstruction to the traffic of the said roadway or footway.

As to claim of compensation in respect of land injuriously affected.

9. Where any claim is made for compensation in respect of any land alleged to be injuriously affected by any act or work done in pursuance of this Act, regard shall be had in assessing the compensation to any advantage or increase of value accruing to such land from the works to be constructed in pursuance of this Act.

Limit of compulsory purchases.

10. The limit for the compulsory purchase of land under this Act shall be *three years.*

Expenses how defrayed.

11. *All expenses incurred by the commissioners under this Act in purchasing land, building the courts thereon, and otherwise fulfilling the purposes of this Act, shall be defrayed out of monies to be provided by Parliament.*

Building not to be commenced till contract laid before Parliament and amount of expense ascertained.

12. No building authorized to be constructed under this Act shall be commenced until a contract has been entered into for the completion of the whole of the buildings proposed to be constructed on the prescribed lands, and has been laid before Parliament, nor unless it appears that the amount of money to be paid under such

A.D. 1869.

contract together with the cost of purchasing the said lands will not exceed one million six hundred thousand pounds.

Exemption from Building Act.

13. All buildings erected on the prescribed lands shall be exempt from the operation of the first part of "The Metropolitan Buildings Act, 1855."

Miscellaneous.

Authentication of notices.

14. Every notice, summons, writ, or other document required to be given by or on behalf of the commissioners may be given under the hand of the solicitor or secretary for the time being of the commissioners, and need not be under the common seal of the commissioners, and may be in writing or in print, or partly in writing and partly in print.

Deeds not liable to stamp duty.

15. No instrument made by, with, or to the commissioners for the purposes of this Act shall be liable to stamp duty.

Lands purchased under previous Acts.

Trusts of land purchased under former Acts.

16. All lands purchased by the Commissioners of Her Majesty's Works and Public Buildings for the purposes of the "Courts of Justice Concentration (Site) Act, 1865," shall be held by them upon such trusts for the benefit of the public as the commissioners may, with the consent of the Treasury, think expedient; with power to dispose of the whole or any part thereof by way of absolute sale or lease or otherwise, in such manner and subject to such conditions as the Treasury may direct, and all monies acquired by them under this section shall be paid into the receipt of the Exchequer as the Treasury may direct. It shall not be lawful for the said commissioners to purchase any further lands adjoining or in connexion with the lands purchased under the said last-mentioned Acts.

Repeal of Acts.

Repeal of Acts.

17. There shall be repealed the following parts of Acts and Act; that is to say,

1. The whole of The Courts of Justice Building Act, 1865, with the exception, first, of so much thereof as relates to the funds provided for expenditure already incurred under the powers of the said Act; and secondly, of so much thereof as relates to the saving of jurisdiction on removal of courts and transfer of property now used for offices, and contains sections numbered eighteen to twenty-three, both inclusive:
2. So much of The Courts of Justice Concentration Site Act, 1865, as relates to the purposes of the Act:
3. The whole of The Courts of Justice Act, 1866:

Provided that such repeal shall not affect any right, estate, or interest acquired, or any act or thing duly done under the Act and parts of Acts so repealed.

Application of certain sections in previous Acts.

18. The sections of the Acts herein-after mentioned shall apply as follows, viz.:—

The sections of the said "Courts of Justice Building Act, 1865," numbered 18, 19, 20, and 21, and relating to the saving of jurisdiction and removal of courts, shall apply in the same manner as if the site therein mentioned were the site provided by this Act.

The twenty-third section of the said "Courts of Justice Building Act, 1865," enabling the Society of Lincoln's Inn to repurchase certain lands, shall be construed as if the buildings authorized to be erected under this Act were inserted in that section instead of the buildings authorized to be erected under the said "Courts of Justice Building Act, 1865."

Section sixteen of The Courts of Justice Concentration Sites Act, 1865, providing for the protection of sewers of the Metropolitan Board of Works shall apply in the case of any works to be done under or by virtue of this Act, in the same manner as if such section were re-enacted herein, and made specially applicable to such works.

Definition.

Definition of courts of justice.

19. In this Act "courts of justice" shall mean the superior courts of law and equity, the Probate and Divorce Courts, the High Court of Admiralty, and such other courts for the administration of justice as may be prescribed by the Treasury.

Courts of Justice (New Site).

A

B I L L

To enable the Commissioners of Her Majesty's Works and Public Buildings to acquire a new Site for the Erection and Concentration of the Courts of Justice and of various Offices belonging to the same, and to amend the Acts relating to the Concentration of the Courts of Justice.

(Prepared and brought in by
Mr. Layard, Mr. Chancellor of the Exchequer,
and Mr. Ayrton.)

Ordered, by The House of Commons, *to be Printed,*
10 *May* 1869.

[Bill 113.]

Under 1 *oz.*

Courts of Justice Salaries and Funds Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Clause.
1. Short title.
2. Commencement of Act.
3. Definitions.

Court of Chancery.

4. Transfer of stock and cash to National Debt Commissioners.
5. Indemnity out of Consolidated Fund to suitors of Court of Chancery.
6. Deficiency and excess of cash balances to credit of Accountant General.
7. Unclaimed dividends under 16 & 17 Vict. c. 98. s. 3.
8. Income of Court of Chancery to go to Consolidated Fund.

Court of Bankruptcy.

9. Transfer of stock and cash to National Debt Commissioners.
10. Indemnity out of Consolidated Fund to suitors of Court of Bankruptcy.
11. Deficiency and excess of cash balances to credit of Accountant in Bankruptcy.

Salaries, Pensions, &c.

12. Salaries of judges charged on Consolidated Fund.
13. Compensations, pensions, salaries, &c. charged on annual votes.

Officers of Court.

14. Appointment of officers.

Clause.

Buildings.

15. Courts and buildings.

Fees.

16. Alteration of fees in Court of Chancery.
17. Fees in Court of Admiralty.
18. Fees in Court of Bankruptcy.
19. Fees to be taken by stamps.
20. Application to fees of 28 & 29 Vict. c. 45., and 29 & 30 Vict. c. 101.

Miscellaneous.

21. Saving for Act of present session.
22. Application of stock and cash transferred to Commissioners for Reduction of National Debt.
23. Orders by Lord Chancellor.
24. Treasury may make regulations.
25. Repeal of Acts.
SCHEDULES.

A

BILL

FOR

Amending the Law relating to the Salaries, Expenses, and Funds of Courts of Law in England.

A.D. 1869.

WHEREAS it is expedient that the expenditure for the courts of justice should be (so far as may be) defrayed out of moneys to be provided for that purpose by Parliament, or out of the Consolidated Fund:

And whereas in the second part of the first and second schedules to this Act there are shown the stock and cash which on the several days mentioned in those schedules belonged to the Courts of Chancery and Bankruptcy (as distinguished from the stock securities and cash which are the property of the suitors therein):

And whereas the charges on such stock and cash are shown in the third and fourth schedules to this Act:

And whereas it is expedient that on the charges thereon being transferred to the Consolidated Fund or moneys provided by Parliament, the said stock and cash should be transferred to the public:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title.

1. This Act may be cited as "The Courts of Justice (Salaries and Funds) Act, 1869."

Commencement of Act.

2. This Act shall not come into operation until the *first* day of *October One thousand eight hundred and sixty-nine*, which date is herein-after referred to as the commencement of this Act.

Definitions.

3. In this Act—

The term "the Treasury" means the Commissioners of Her Majesty's Treasury for the time being, or any two or more of them:

The term "Court of Chancery" means the High Court of Chancery of England, and includes all offices mentioned in the third schedule to this Act:

The term "Court of Admiralty" means the High Court of Admiralty of England:

The term "Court of Bankruptcy" means the Court of Bankruptcy in London as constituted at the passing of this Act and the District Courts of Bankruptcy, and includes any Court, whether constituted before or after the commencement of this Act, which for the time being exercises the powers of the late Court for the Relief of Insolvent Debtors in England, so far as relates to such late Court.

Court of Chancery.

Transfer of stock and cash to National Debt Commissioners.

4. As soon as may be after the commencement of this Act the Governor and Company of the Bank of England shall, upon an order of the Lord Chancellor to be made in that behalf, and without any draft from the Accountant General, or act done by him, transfer to the account of the Commissioners for the Reduction of the National Debt all sums of stock and cash which on the commencement of this Act may be standing in the books of the Bank of England in the name of the Accountant General of the Court of Chancery to the credit of any of the accounts described in the second part of the first schedule to this Act, and all dividends which may then be or thereafter become due on such stock.

Indemnity out of consolidated fund to suitors of Court of Chancery.

5. After the commencement of this Act the Consolidated Fund shall, to the same extent as the stock and cash so transferred, be liable to make good to the suitors of the Court of Chancery the debts which at the commencement of this Act may be due to them in cash from the Court of Chancery in manner stated in the first part of the first schedule to this Act, and the Treasury shall in manner provided by this Act cause the sums required for the payment of such debts to be issued out of the Consolidated Fund.

Deficiency and excess of cash balance to credit of Accountant General.

6. Whenever the Lord Chancellor certifies in writing to the Treasury that the cash balance for the time being standing at the Bank of England to the credit of the Accountant General of the Court of Chancery is less than *three hundred thousand pounds*, or such other sum as may be from time to time fixed by the Lord Chancellor, with the concurrence of the Treasury (regard being had to the amount required for carrying on the business of the office of the Accountant General, and to the proper remuneration of the Bank of England), the Treasury shall forthwith cause to be paid into the Bank of England to the credit and with the privity of the said Accountant General to be applied by him as part of the common and general cash of the suitors of the said court, such sum out of the growing produce of the Consolidated Fund, as may be required to make up the said cash balance to the sum of *five hundred thousand pounds*, or such other sum as may from time to time be fixed in manner aforesaid.

Whenever the said cash balance exceeds the sum of *five hundred thousand pounds*, or such other sum as may be fixed in manner aforesaid, the Governor and Company of the Bank of England shall, upon an order of the Lord Chancellor (to be made on the written requisition of the Treasury), and without any draft from the Accountant General or any act to be done by him, transfer such excess, or such part thereof as may be specified in the order, to the account of the Commissioners for the Reduction of the National Debt, and on such transfer being made the Consolidated Fund shall be further liable to the extent of any sum so paid to make good to the suitors of the Court of Chancery any sum of cash due from the court to them.

The said Accountant General shall keep an account in his books showing the amount of the debts due from the Consolidated Fund to the suitors of the Court in respect of all sums of stock and cash transferred to the said Commissioners under this Act.

Unclaimed dividends under 16 & 17 Vict. c. 98. s. 3.

7. Where the Lord Chancellor, in pursuance of section three of the Act of the session of the sixteenth and seventeenth years of the reign of Her present Majesty, chapter ninety-eight, "for the further relief of the suitors of the High Court of Chancery," makes an order for carrying any dividends or cash to the credit of "the suitors unclaimed dividend account," the dividends and cash so carried over shall be paid in to the receipt of Her Majesty's Exchequer and carried to the Consolidated Fund. On any order made by the court, under section two of the same Act, for paying to a suitor any dividends or cash so carried over, the Treasury shall, if required in writing by the Lord Chancellor, out of the growing produce of the Consolidated Fund, pay the same into the Bank with the privity of the Accountant General of the Court of Chancery to the credit of the account from which such dividends were carried.

Income of Court of Chancery to go to Consolidated Fund.

8. After the commencement of this Act the rent of any of the Masters offices in Southampton Buildings, Chancery Lane, all brokerage payable by the broker of the Court of Chancery to the credit of the suitors fee fund, and all sums for rent received by the solicitor to the suitors fund, and payable by him to the credit of

A.D. 1869.

15 & 16 Vict. c. 87. ss. 2, 8, 18. 18 & 19 Vict. c. 134. ss. 18–22.

any of the accounts or funds mentioned in part two of the first schedule to this Act, and all moneys which, but for the passing of this Act, would be payable to the credit of any of the said accounts or funds, shall be paid into the receipt of Her Majesty's Exchequer at such times and in such manner as the Treasury may direct, and shall be carried to the Consolidated Fund.

Court of Bankruptcy.

Transfer of stock and cash to National Debt Commissioners.

9. As soon as may be after the commencement of this Act the Governor and Company of the Bank of England shall, upon an order of the Lord Chancellor to be made in that behalf, and without any draft from the Accountant in Bankruptcy or act done by him, transfer to the account of the Commissioners for the Reduction of the National Debt all sums of stock and cash which on the commencement of this Act may be standing in the books of the Bank of England in the name of the Accountant in Bankruptcy to the credit of any of the accounts described in the second part of the second schedule to this Act, and all dividends which may then be or thereafter become due on such stock.

Indemnity out of Consolidated Fund to suitors of Court of Bankruptcy.

10. After the commencement of this Act the Consolidated Fund shall be liable to make good the debts due in cash from the Court of Bankruptcy in respect of the estates of bankrupts, in manner stated in the first part of the second schedule to this Act, and the debts due in cash from the late Court for the Relief of Insolvent Debtors in England in respect of estates of insolvent debtors, in manner stated in the first part of the same schedule, and the Treasury shall in manner provided by this Act cause the sums required for the payment of such debts to be issued out of the Consolidated Fund.

Deficiency and excess of cash balance to credit of Accountant in Bankruptcy.

11. Whenever the Lord Chancellor certifies to the Treasury that the cash balance for the time being standing at the Bank of England to the credit of the Accountant in Bankruptcy is less than fifty thousand pounds, or such other sum as may from time to time be fixed by the Lord Chancellor, with the concurrence of the Treasury, (regard being had to the amount required for carrying on the business of the office of the Accountant and to the proper remuneration of the Bank of England), the Treasury shall forthwith cause to be paid into the Bank of England to the credit of the Accountant to be applied by him as part of such cash balance, such sum out of the growing produce of the Consolidated Fund as may be required to make up the said cash balance to the sum of one hundred thousand pounds, or such sum as may from time to time be fixed in manner aforesaid.

Whenever the said cash balance exceeds the sum of one hundred thousand pounds, or such other sum as may from time to time be fixed in manner aforesaid, the Governor and Company of the Bank of England shall, on an order of the Lord Chancellor to be made on the written requisition of the Treasury, and without any draft from the Accountant, or act done by him, transfer such excess, or such part thereof as may be specified in the order, to the account of the Commissioners for the Reduction of the National Debt, and on such transfer being made the Consolidated Fund shall be further liable to the extent of the sum so paid to make good any sum of cash due from the Court of Bankruptcy in respect of estates of bankrupts and insolvents.

If under any Act passed in the present session any of the duties previously performed by the Accountant in Bankruptcy are transferred to any other officer, the provisions of this section shall apply in the same manner as if they had been separately enacted with respect to such officer and his office and the duties to be performed by him, and such officer had been named herein instead of the said Accountant.

Salaries, Pensions, &c.

Salaries of judges charged on Consolidated Fund.

12. After the commencement of this Act the salaries and pensions of the judges mentioned in the first parts of the third and fourth schedules to this Act shall be paid out of the Consolidated Fund.

Compensations, pensions, salaries, &c. charged on annual votes.

13. After the commencement of this Act all compensations, pensions, retiring annuities, and superannuation allowances, at that date charged on any of the stock or cash standing to any of the accounts mentioned in the first and second schedules to this Act, or on the interest of any such stock, and the salaries, charges, and payments described in the second parts of the third and fourth schedules to this Act, and the salaries of and all pensions which may be granted to existing and future officers, clerks, and persons employed in the Court of Chancery or the Court of Bankruptcy, and the expenses and contingencies of those courts and of the offices therein, and all other sums payable under any Act relating to such courts, out of any of the stock and cash transferred under this Act, or the interest of such stock, including sums payable in pursuance of section sixteen of The Courts of Justice Building Act, 1865 (which relates to the purchase of compensation allowances), and also all arrears of such compensations, pensions, annuities, allowances, salaries, charges, and payments accrued before the commencement of this Act, shall be paid out of moneys provided by Parliament for the purpose.

A.D. 1869.

All compensations pensions, annuities, allowances, and salaries payable under this section shall be deemed to accrue from day to day, but shall be payable on such days as the Treasury may from time to time appoint.

If the moneys provided by Parliament are at any time insufficient for the purposes mentioned in this section, the Consolidated Fund shall be liable to make good such deficiency to the same extent to which the stock and cash transferred under this Act are liable at the commencement of this Act.

Nothing in this Act shall deprive any person who at the commencement of this Act enjoys any compensation, pension, retiring annuity, superannuation allowance, or salary mentioned in this section, of his right to continue to receive the same compensation, pension, retiring annuity, superannuation allowance, or salary, or of any right he may have to receive any progressive increase of salary or to obtain any promotion or pension, and nothing in this Act shall affect or diminish any such right.

Officers of Court.

Appointment of officers.

14. The Treasury may from time to time, by order made with the concurrence of the Lord Chancellor, or in the case of the Court of Admiralty, of the judge of that court, increase or diminish the number of officers in the Courts of Chancery, Bankruptcy, and Admiralty, and the amounts of the salaries of such officers, and determine the conditions on which they are to hold their offices, and regulate the expenses and contingencies incurred in respect of the said courts or the officers belonging thereto.

Any officer appointed after the commencement of this Act shall take his office, subject to any order that may thereafter be made under this section in relation to the abolition or modification of his office, but no order made under this section shall, without his consent, apply to any officer holding office at the date of the commencement of this Act, and when the conditions on which any officer is to hold his office have been determined by any order under this section for the time being in force, no subsequent order under this section shall apply to such officer without his consent.

Any order made under this section shall be laid before both Houses of Parliament within fourteen days after it is made if Parliament be then sitting, or if not, within fourteen days after the commencement of the next session. It shall also be published in the London Gazette, and when so published shall be of the same force as if it were enacted in this Act, but subject to being varied or repealed from time to time by other orders made in like manner under this Act, and any enactment inconsistent herewith shall be repealed from and after the date of any such publication.

The term "officer" in this section means all officers, clerks, messengers, and persons who are mentioned in the second parts of the third and fourth schedules to this Act, or are for the time being employed in the said courts, or the offices connected therewith.

Buildings.

Courts and buildings. 1861, s. 68.

15. The building in Basinghall Street in the City of London known as the Court of Bankruptcy, and the buildings in Portugal Street, Lincoln's Inn Fields, formerly known as the Court for Relief of Insolvent Debtors, (and occupied at the commencement of this Act by the officers of that Court, and by the Land Registry and the Courts of Justice Commission,) shall, with the sites thereof, continue vested in the Commissioners of Her Majesty's Works and Public Buildings, and shall be appropriated as the Lord Chancellor, with the concurrence of the Treasury, from time to time directs.

On the commencement of this Act the buildings then used for the District Courts of Bankruptcy, and all other buildings vested in the District Commissioners as such, shall, with the sites thereof, be transferred to and vest in the Commissioners of Her Majesty's Works and Public Buildings, and shall be appropriated as the Lord Chancellor, with the concurrence of the Treasury, from time to time directs.

Fees.

Alteration of fees in Court of Chancery.

16. After the commencement of this Act the Lord Chancellor, with the advice and consent of the Lords Justices of Appeal, Master of the Rolls, and Vice Chancellors, or any three of them, and with the concurrence of the Treasury, may from time to time by order increase, reduce, or abolish all or any of the existing fees and percentages (including the per-centage on estates of lunatics), and appoint new fees to be taken in relation to proceedings in the Court of Chancery, or in any of the offices mentioned in the third schedule to this Act.

Until any such order is made the fees existing at the commencement of this Act shall continue to be taken.

Fees in Court of Admiralty

17. After the commencement of this Act, the Judge of the Court of Admiralty may from time to time by order, with the concurrence of the Treasury, increase, reduce, or abolish all or any of the existing fees, and appoint new fees to be taken in relation to proceedings in the Court of Admiralty.

Until any such order is made the fees existing at the commencement of this Act shall continue to be taken.

Fees in Court of Bankruptcy.
24 & 25 Vict. c. 134. s. 45.

18. After the commencement of this Act the Lord Chancellor, with the concurrence of the Treasury, may from time to time by order increase, reduce, or abolish all or any of the existing fees, and appoint new fees to be taken in relation to proceedings in the Court of Bankruptcy.

Until any such order is made the fees existing at the commencement of this Act shall continue to be taken.

Fees to be taken by stamps.

19. After the commencement of this Act all fees whatever, or payments in the nature or lieu of fees, for the time being payable in the Courts of Chancery, Admiralty, and Bankruptcy, or any of the offices therein, including the per-centage payable out of estates of lunatics, shall, except so far as the Lord Chancellor may from time to time otherwise by order direct, be taken by means of stamps, and if taken in money in pursuance of any such order shall be paid into the receipt of Her Majesty's Exchequer, and be carried to the Consolidated Fund.

Application to fees of 28 & 29 Vict. c. 45.
29 & 30 Vict. c. 101.
30 & 31 Vict. c. 122.

20. The provisions of the unrepealed part of the Common Law Courts (Fees) Act, 1865, and of sections two and seven of the Common Law Courts (Fees and Salaries) Act, 1866, shall apply, mutatis mutandis, to all fees taken by means of stamps in pursuance of this Act, and the Lord Chancellor in the case of the Court of Chancery and the Court of Bankruptcy, and the principal Judge of the court in the case of the other courts, shall for the purposes of this section be substituted for the Lord Chief Justices mentioned in those Acts; but the account of fees and charges in the case of the Court of Admiralty shall be the like account only as that prescribed by section three of the Courts of Law (Fees) Act, 1867.

Miscellaneous.

Saving for Act of present session.

21. The provisions of this Act with respect to the Court of Bankruptcy shall be subject to any provisions made with respect to that court by any Act passed in the present session.

Application of stock and cash transferred to Commissioners for Reduction of National Debt.

22. The Commissioners for the Reduction of the National Debt, as to all sums of stock transferred to them in pursuance of this Act, shall cancel the same, and as to all cash transferred to them in pursuance of this Act shall apply the same in reduction of the National Debt in the same manner as if such cash were a surplus of the annual revenue; and the said Commissioners shall keep proper accounts of the liabilities of the Consolidated Fund in respect of all stock and cash transferred to them in pursuance of this Act.

Orders by Lord Chancellor.

23. The Lord Chancellor may from time to time make such orders as he may think necessary for carrying this Act into effect.

Treasury may make regulations.

24. The Treasury from time to time may make such rules and regulations and issue such order concerning the form and mode of transmission of certificates and vouchers, and otherwise for checking, controlling, and regulating the payment of the charges transferred by this Act to the Consolidated Fund or moneys provided by Parliament, and for enforcing and regulating the accounting for and due payment of the stock and moneys to be transferred to the Commissioners for the Reduction of the National Debt, or to be carried to the Consolidated Fund under this Act, as they may think fit; and a return of any such rules and regulations which may be issued by the Treasury shall be laid before both Houses of Parliament within six weeks from the date of the issue thereof if Parliament be then sitting, and if it be not then sitting within six weeks from the day of the next ensuing meeting of Parliament.

Repeal of Acts.

25. The enactments described in the fifth schedule to this Act are hereby repealed.

Provided that this repeal shall not affect anything already done or suffered, or any right acquired or order made, under the said enactments or any of them.

Nor shall this repeal affect the right of any person to receive such salary, compensation, retiring annuity, pension, superannuation allowance, or progressive increase of salary, or to obtain such promotion or pension as he might have received or obtained if this repeal had not been enacted.

FIRST SCHEDULE.

COURT OF CHANCERY.

Funds standing in Name of Accountant General.

PART I.

Belonging to Suitors, and not transferred by Act.

Moneys and stock as standing on the 1st of October 1868.	Title of credit to which moneys and stock stand.	To whom belonging, and charges thereon.	Origin of funds and remarks.	Acts.
£56,229,314 1*s.* 1*d.* stock.	Accounts of various suitors kept causewise.	Principal and interest belongs to suitors.		
£2,764,744 1*s.* 10*d.* book debt due in cash from the Court of Chancery to suitors. £382,157 9*s.* 10*d.* cash.	Accounts of various suitors kept causewise.	Belongs to suitors, being cash which they have not asked to have invested; no interest therefore is payable to suitors thereon.		
Book debt due from Court of Chancery to suitors of amount paid in by them, estimated as equal to value at commencement of this Act of stock on this account mentioned in Part II. £7,948 18*s.* 8*d.* cash.	Appeal deposit account - -	Belongs chiefly to suitors, being cash paid by them on appealing from courts of first instance; no interest is payable to suitors thereon. The cash arises partly from interest on stock on this account mentioned in Part II., and to that extent, belongs to the court.		15 & 16 Vict. c. 87 s. 41.

FIRST SCHEDULE—*continued.*

<table>
<tr><th>Moneys and stock as standing on the 1st of October 1868.</th><th>Title of credit to which moneys and stock stand.</th><th>To whom belonging, and charges thereon.</th><th>Origin of funds and remarks.</th><th>Acts.</th></tr>
<tr><td colspan="5">PART II.
Belonging to Court, and transferred by Act.
FUND (A.) called in this Act "The Suitors Fund."</td></tr>
<tr><td>Bank £3 per cent. annuities, £1,588,215 17<i>s.</i> 6<i>d.</i>
Reduced annuities, £1,571,894 3<i>s.</i> 6<i>d.</i>
£3,160,110 1<i>s.</i> stock.</td><td>"Account of moneys placed out for the benefit and better security of the suitors of the High Court of Chancery."</td><td>Principal belongs to court, subject to the liability to make good to the suitors, without interest, the £2,764,744 1<i>s.</i> 10<i>d.</i> book debt due to them mentioned in Part I.</td><td>Arose from the investment by the court in pursuance of Acts of Parliament as a banker at its own risk of the £2,764,744 1<i>s.</i> 10<i>d.</i> described as a book debt in Part I.; some portion of which is unclaimed money, and will probably remain so.
The price at which this stock must be sold to realize the above sum is $88\frac{1}{8}$.</td><td><i>See</i> Acts in fifth Schedule.</td></tr>
<tr><td>£14,652 9<i>s.</i> 5<i>d.</i> cash.</td><td>"Account of interest arising from moneys placed out for the benefit and better security of the suitors of the High Court of Chancery."</td><td>Belongs to court; is charged with salaries and pensions of Accountant General, his clerks, and other officers.
<i>See</i> below on Fund C. and third Schedule.</td><td>Is interest on stock of Fund (A.) and rent of masters' offices.</td><td></td></tr>
<tr><td colspan="5">FUND (B.) called in this Act "The Surplus Interest Fund."</td></tr>
<tr><td>Reduced annuities, £352,976 8<i>s.</i> 7<i>d.</i> New 3 per cent. annuities, £24 6<i>s.</i> East India stock, 4<i>s.</i> 11<i>d.</i>
£353,000 19<i>s.</i> 6<i>d.</i> stock.</td><td>"Account of securities purchased with surplus interest arising from securities carried to an account of moneys placed out for the benefit and</td><td>Principal belongs to the Court subject to liability to make good by sale of principal and interest any deficiency in Fund (A.) to meet the</td><td>Arose chiefly from investment of interest on Fund (A.), that is of banking profits of the court after paying expenses. As the surplus of that interest is now</td><td>5 Vict. c. 5.
15 & 16 Vict. c. 80. s. 49.</td></tr>
</table>

FIRST SCHEDULE—*continued.*

Moneys and stock as standing on the 1st of October 1868.	Title of credit to which moneys and stock stand.	To whom belonging, and charges thereon.	Origin of funds and remarks.	Acts.
		FUND (B.)—*continued.*		
£353,000 19*s.* 6*d.* stock —*continued.*	better security of the suitors of the High Court of Chancery."	£2,764,744 1*s.* 10*d.* book debt in Part I.	carried to Fund (C.), this fund does not now increase. In 1865 the amount of this fund was £1,291,629 5*s.* 6*d.*, of which 1,000,000*l.* was authorized to be sold by "The Courts of Justice Building Act, 1865." The Consolidated Fund was by that Act charged to the extent of 1,000,000*l.* to meet any deficiency which this fund could be called upon to meet.	
£1,371 9*s.* 10*d.* cash.	"Account of interest arising from securities purchased with surplus interest arising from securities carried to an account of moneys placed out for the benefit and better security of the suitors of the High Court of Chancery."	Belongs to Court; is charged with certain salaries and with certain compensations in the nature of life annuities and other temporary charges. *See* third Schedule.	Is interest on stock of Fund (B.)	
		FUND (C.) called in this Act "The Suitors Fee Fund."		
£217,106 7*s.* 1*d.* cash.	"The Suitors Fee Fund Account."	Belongs to Court. Charged with salaries and pensions of officers (except those charged on Funds (A.) and (B.), and those of Lord Chancellor, and Judges, and	Is only a receipt and expenditure account. The surplus interest on Funds (A.) and (B.), and the interest on Funds (D.) and (E.), and all fees and other revenues	2 & 3 Will. 4. c. 122. 3 & 4 Will. 4. c. 94. 1 & 2 Vict. c. 54. 5 Vict. c. 5.

FIRST SCHEDULE—*continued.*

Moneys and stock as standing on the 1st of October 1868.	Title of credit to which moneys and stock stand.	To whom belonging, and charges thereon.	Origin of funds and remarks.	Acts.
		FUND (C.)—*continued.*		
£217,106 7*s.* 1*d.* cash —*continued.*		certain officers of Lord Chancellor whose salaries are charged on Consolidated Fund), and expenses of Court, and Compensations. *See* third Schedule.	of the Court, and brokerage paid by broker of Court, are carried to this fund.	5 & 6 Vict. c. 10. s. 121. 15 & 16 Vict. c. 80. s. 51. 15 & 16 Vict. c. 87. ss. 18, 53. 16 & 17 Vict. c. 98.
		FUND (D.)		
£201,028 2*s.* 3*d.* Bank £3 per cent. annuities,	"Account of moneys placed out to provide for the officers of the High Court of Chancery."	Belongs to Court. Is liable to make good, by sale of the principal, the charges on Fund (C.)	Arose from surplus of Fund (C.).	
		FUND (E.)		
£1,517 9*s.* 5*d.* Bank £3 per cent. annuities.	"Account of money arising from sale of Six Clerks Offices."	Belongs to Court - -	Arose from sale of old Six Clerks Office.	14 Geo. 3. c. 43. 5 & 6 Vict. c. 103. s. 29.
		FUND (F).		
£10,000. Bank £3 per cent. annuities.	"Appeal deposit account.	Belongs to Court. Is liable to make good debt to suitors as mentioned in Part I.	The stock represents the accumulated amount of deposits invested by registrars previously to the passing of 15 & 16 Vict. c. 87.	15 & 16 Vict. c. 87 s. 41.
		FUND (G.)		
£4,559 13*s.* 9*d.* Bank £3 per cent. annuities.	Keeper or clerk of the Hanaper in Chancery.	Belongs to Court. Interest is payable in aid of revenues of Hanaper Office.	Accumulations from old sixpenny duty on sealing writs, converted by order of court in 1753.	

SECOND SCHEDULE.

Court of Bankruptcy.

Funds in Name of Accountant in Bankruptcy.

Part I.

Belonging to Suitors, and not transferred by Act.

Money and stock standing on the 1st of January 1869.	Title of credit to which money and stock stand.	To whom belonging, and charges thereon.	Origin of fund and remarks.	Acts.
£22,145. 1*s.* stock. £103,100 Exchequer bills.	General account of bankrupts estates.	Principal and interest the property of bankrupts and insolvents estates.	Consists of securities the property of bankrupts and insolvents estates.	5 & 6 Will. 4. c. 29. s. 4. 24 & 25 Vic. c. 134. ss. 127–8.
£1,091,663 9*s.* 3*d.* Book debt due from Court of Bankruptcy in respect of bankrupts and insolvents estates. £37,510 8*s.*4*d.* cash.	Do. do.	Belongs to bankrupts and insolvents estates, being cash paid in as part of bankrupts and insolvents estates to the credit of those estates which has not been invested on account of those estates. No interest is payable thereon.	Portions of the unemployed cash are, in pursuance of Act of Parliament, from time to time invested at the risk of the Court, but with a Parliamentary guarantee, and carried to Bankruptcy Fund Account.	
£221,361 4*s.* 11*d.* Book debt due from Court of Bankruptcy to creditors of bankrupts.	Unclaimed dividend account.	Belongs to creditors or bankrupts, being cash due to creditors as dividends, or surplus from bankrupts estates. No interest is payable thereon.		
Book Debt due from Court of Bankruptcy to suitors of Insolvent Debtors Court of amount of unclaimed dividends, and undivided surplus of insolvents estates estimated as equal to value at commencement of this Act of stock on this account mentioned in Part II.	Purposes of the 26th section of the Bankruptcy Act, 1861, account.	Belongs to suitors of late Insolvent Debtors Court. No interest is payable thereon.	Transferred to Bankruptcy Court in 1861, 24 & 25 Vict. c. 134. s. 26., consists mainly of unclaimed dividends and undivided surplus.	24 & 25 Vict. c. 134.

Part II.

Belonging to Court, and transferred by Act.

Fund (A.)

Money and stock standing on the 1st of January 1869.	Title of credit to which moneys and stock stand.	To whom belonging, and charges thereon.	Origin of fund and remarks.	Acts.
£1,193,128 4*s*. stock.	The Bankruptcy Fund Account	Principal and interest belongs to Court, subject to liability to make good to bankrupts and insolvents estates the £1,091,663 9*s*. 3*d*. book debt shown in Part I. in respect of the general account of bankrupts and insolvents estates.	Arises from certain investments by the Court as a banker at its own risk of cash belonging to bankrupts estates and of unclaimed dividends before 6th August 1861. Interest carried to Chief Registrar's account. When the cash balances to the "General account of bankrupts estates" are too low, stock is sold from this account, and carried to that account. Any deficiency in the fund to answer any such demands to be made good by Parliament, 5 & 6 Will. 4. c. 29. s. 20. and 12 & 13 Vict. c. 106. sec. 55.	5 & 6 Will. 4. c. 29. ss. 1, 6, 10, 14, 16, 20. 6 & 7 Will. 4. c. 27. ss. 1, 2. 12 & 13 Vict. c. 106. ss. 34, 55.
		Fund (B.)		
£29,652 11*s*. 8*d*. cash. £315,153 2*s*. 11*d*. stock.	Chief Registrar's Account -	Is the property of the Court. Charged with salaries, pensions, compensations, and incidental expenses of the Court, 24 & 25 Vict. c. 134. ss. 33–36.	Formed chiefly from fees, but partly by the consolidation of several old accounts (12 & 13 Vict. c. 106. s. 32), partly from investments of the surplus cash of the Court, and from interest of stock standing to the Bankruptcy Fund Account and unclaimed Dividend Account.	1 & 2 Will. 4. c. 56. ss. 45, 48, 50, 52, 55. 5 & 6 Will. c. 29. s. 16. 12 & 13 Vic. c.108. ss. 32, 48, 49. 24 & 25 Vic. c. 134. ss. 31, 32, 33, 36, 39, 41, 198.

A.D. 1869.

Second Schedule—*continued.*

Money and stock standing on the 1st of January 1869.	Title of credit to which moneys and stock stand.	To whom belonging, and charges thereon.	Origin of funds, and remarks.	Acts.
		Fund (C.)		
£244,387 19*s.* 1*d.* stock. £6,064 6*s.* 8*d.* cash.	Unclaimed Dividend Account -	Principal and interest the property of the Court. Liable to payment to creditors of the sum of £221,361 4*s.* 11*d.* cash described as a book debt in Part I., due from Court for dividends or ordered to be distributed.	Formed of dividends due to creditors and unclaimed by them, and of undivided surplus of bankrupts estates invested by the Court as a banker at its own risk.	5 & 6 Will. 4. c. 29. ss. 6, 7.
			Interest carried to Chief Registrar's account.	24 & 25 Vict. c. 134. s. 184.
		Fund (D.)		
£115,911 7*s.* 11*d.* stock. £3,296 7*s.* 3*d.* cash.	Purposes of the 26th section of the Bankruptcy Act, 1861, account.	Principal and interest belong to the Court, transferred from Insolvent Debtors Court in 1861. Charged with payment of the sum in cash described as a book debt in Part I., due from Court to Creditors or Bankrupts in Insolvent Debtors Court in 1861, and of salaries of clerks and other matters mentioned in the 26th section of the Bankruptcy Act, 1861.	Formed of moneys and Government securities standing on the 11th October 1861 to the credit of the Account of the Commissioners of the Court for the Relief of Insolvent Debtors in England.	24 & 25 Vict. c. 134. s. 26.

THIRD SCHEDULE.

Part I.

Salaries and pensions charged on the Consolidated Fund.

Fund out of which Salaries are now payable.	Salaries.	Acts.
Consolidated Fund -	Lord Chancellor. Lords Commissioners of the Great Seal. Lords Justices of Appeal Master of the Rolls. Vice-Chancellors.	15 & 16 Vict. c. 87. s. 16.

Part II.

Salaries and expenses of the Court of Chancery payable out of moneys provided by Parliament for the purpose.

Funds out of which Charges are now payable.	Charges, Expenses, and Contingencies of Offices.	Acts.
	Lord Chancellor.	
Suitors Fee Fund - Consolidated Fund.	Salaries of principal secretary, gentleman of the chamber, purse bearer, train bearer, porter, and messenger to great seal, and messenger to Lord Chancellor when out of town.	3 & 4 Will. 4. c. 84. 15 & 16 Vict. c. 87. and orders of Court of Chancery.
Consolidated Fund -	„ secretary of presentations and secretary of commissions.	3 & 4 Will. 4. c. 84. 3 & 4 Vict. c. 94. 15 & 16 Vict. c. 87. and orders of Court of Chancery.
Suitors Fee Fund -	„ clerks to principal secretary.	
Suitors Fund - - Surplus Interest Fund.	„ ushers tipstaves, persons to keep order in court, stokers and court keepers.	50 Geo. 3. c. 164. (Local and Personal). 3 & 4 Vict. c. 94. 3 & 4 Will. 4. c. 94.
Suitors Fee Fund -	Expenses and contingencies of the court and of above officers.	15 & 16 Vict. c. 87. and orders of Court of Chancery.

Fund out of which Charges are now payable.	Charges, Expenses, and Contingencies of Offices.	Acts.
	Court of Appeal.	
Suitors Fund. Surplus Interest Fund.	Salaries of secretaries, clerks of the chamber, ushers, train bearers, and persons to keep order in court.	14 & 15 Vict. c. 83. 30 & 31 Vict. c. 87.
Suitors Fee Fund -	Expenses and contingencies of court.	15 & 16 Vict. c. 87. and orders of Court of Chancery.
	Master of the Rolls.	
Suitors Fee Fund -	Salaries of chief secretary, secretary of causes, gentlemen of the chamber, train bearer, clerks, ushers, &c.	7 Will. 4. & 1 Vict. c. 46. 5 & 6 Vict. c. 103. 15 & 16 Vict. c. 87. and orders of Court of Chancery.
Consolidated Fund -	Salaries of preacher and reader and clerk of Rolls chapel, and expenses and contingencies of Rolls chapel.	7 Will. 4. & 1 Vict. c. 46.
Suitors Fee Fund -	Salaries of chief clerks -	15 & 16 Vict. c. 80. 18 & 19 Vict. c. 134. 27 & 28 Vict. c. 15. 30 & 31 Vict. c. 87. and orders of Court of Chancery.
	,, junior clerks and additional junior clerks.	15 & 16 Vict. c. 80. 18 & 19 Vict. c. 134. and orders of Court of Chancery.
Suitors Fund and Surplus Interest Fund.	,, assistant clerks -	3 & 4 Vict. c. 94. 30 & 31 Vict. c. 87. and orders of Court of Chancery.
Suitors Fee Fund -	Expenses and contingencies of court and offices and chambers.	15 & 16 Vict. c. 87.
	Vice Chancellors.	
Suitors Fund and Surplus Interest Fund.	Salaries of secretaries, clerks of the chamber, ushers, train-bearers, and porters of Vice-Chancellors.	53 Geo. 3. c. 24. 55 Geo. 3. c. 64. 5 Vict. c. 5. 15 & 16 Vict. c. 80. 30 & 31 Vict. c. 87. and orders of Court of Chancery.
Suitors Fee Fund -	Salaries of chief clerks -	15 & 16 Vict. c. 80. 27 & 28 Vict. c. 15. 30 & 31 Vict. c. 87. and orders of Court of Chancery.

Fund out of which Charges are now payable.	Charges, Expenses, and Contingencies of Offices.	Acts.
	Vice-Chancellors—continued.	
Suitors Fund, Surplus Interest Fund, and Suitors Fee Fund.	Salaries of junior clerks, additional junior clerks, and assistant clerks. „ persons to keep order in courts. Expenses and contingencies of court and offices and chambers.	3 & 4 Vict. c. 94. 15 & 16 Vict. c. 80. 18 & 19 Vict. c. 134. 30 & 31 Vict. c. 87. and orders of Court of Chancery.
	Chancery Offices.	
Suitors Fee Fund -	Salaries, expenses, and contingencies of registrars and clerks, including entering clerks, clerks of entries and assistant clerks and bagbearers.	3 & 4 Will. 4. c. 94. 3 & 4 Vict. c. 94. 5 Vict. c. 5. 14 & 15 Vict. c. 83. 18 & 19 Vict. c. 134. 30 & 31 Vict. c. 87. and orders of Court of Chancery.
Suitors Fund, Surplus Interest Fund, and Suitors Fee Fund.	Salaries, expenses, and contingencies of Accountant General (including his salary as master), and of his officers.	12 Geo. 1. c. 32. 12 Geo. 2. c. 24. 4 Geo. 3. c. 32. 5 Geo. 3. c. 28. 9 Geo. 3. c. 19. 32 Geo. 3. c. 42. 46 Geo. 3. c. 128. 46 Geo. 3. c. 129. 55 Geo. 3. c. 64. 3 & 4 Vict. c. 94. 15 & 16 Vict. c. 87. and orders of Court of Chancery.
Suitors Fee Fund -	Salaries, expenses, and contingencies of examiners and clerks.	50 Geo. 3. c. clxiv. 15 & 16 Vict. c. 86. 16 & 17 Vict. c. 22.
Suitors Fee Fund -	Salaries, expenses, and contingencies of taxing masters and their clerks and messengers.	5 & 6 Vict. c. 103. 15 & 16 Vict. c. 87. 30 & 31 Vict. c. 87. and orders of Court of Chancery.
Suitors Fee Fund -	Salaries, expenses, and contingencies of clerks of records and writs and their clerks, and master of reports and entries, and clerks of report office.	3 & 4 Will. 4. c. 94. 5 & 6 Vict. c. 103. 18 & 19 Vict. c. 134. 30 & 31 Vict. c. 87. and orders of Court of Chancery.
Suitors Fee Fund -	Salaries, expenses, and contingencies of clerk of enrolments and clerks.	5 & 6 Vict. c. 103. 30 & 31 Vict. c. 87. and orders of Court of Chancery.

Funds out of which Charges are now payable.	Charges, Expenses, and Contingencies of Offices.	Acts.
	Chancery Offices—continued.	
Suitors Fee Fund -	Salaries, expenses, and contingencies of clerk of petty bag and his clerk.	12 & 13 Vict. c. 109.
Suitors Fund and Surplus Interest Fund.	Salary, expenses, and contingencies of solicitor to suitors fund, including costs of contempts.	23 & 24 Vict. c. 149. and orders of Court of Chancery.
" "	Salary of surveyor to court.	Order of Court of Chancery.
Suitors Fee Fund -	Salary of stockbroker of court.	15 & 16 Vict. c. 87. and orders of Court of Chancery.
" "	Keeper of the records of late masters in ordinary.	Orders of Court of Chancery.
	Masters in Lunacy, Registrar in Lunacy, Visitors of Lunatics.	
Suitors Fee Fund -	Salaries of masters in lunacy and their clerks.	5 & 6 Vict. c. 84. 8 & 9 Vict. c. 100. 16 & 17 Vict. c. 70. and orders of Court of Chancery.
" "	" registrar in lunacy and clerks.	16 & 17 Vict. c. 70. 25 & 26 Vict. c. 86. and orders of Court of Chancery.
" "	" visitors of lunatics, and secretary and clerks to visitors.	
" "	Expenses and contingencies of office.	
	Commissioners in Lunacy.	
Consolidated Fund -	Balance required to meet salaries, costs, charges, and expenses.	3 & 4 Will. 4. c. 84. 8 & 9 Vict. c. 100.
	Clerk of the Crown.	
Fees of office and dividend on Fund (G.) in second Schedule.	Salary of and expenses and contingencies of office of clerk of the Crown in Chancery.	3 & 4 Will. 4. c. 84. 15 & 16 Vict. c. 87.

FOURTH SCHEDULE.

Part I.

Salaries and Pensions of the Court of Bankruptcy charged on Consolidated Fund.

Fund out of which Salaries are now payable.	Salaries and Pensions.	Acts.
Chief Registrar's Account.	Commissioners of the Court of Bankruptcy in London.	12 & 13 Vict. c. 106. s. .
” ”	District Commissioners of the Court of Bankruptcy in the country.	24 & 25 Vict. c. 134. s. 33.

Part II.

Salaries and Expenses of the Court of Bankruptcy payable out of Moneys to be provided by Parliament for the purpose.

Fund out of which Charges are now payable.	Charges, Expenses, and Contingencies of Office.	Acts.
Chief Registrar's Account.	Salaries and pensions of Chief Registrar, Registrar's Accountant, Taxing Master, Official Assignees, Clerks, Ushers, Messengers, and other officers and clerks, and the expenses and contingencies of the London and District Courts of Bankruptcy.	5 & 6 Vict. c. 122. 12 & 13 Vict. c. 106. 24 & 25 Vict. c. 134.
Chief Registrar's Account, the amount being repaid to that Fund out of moneys provided by Parliament.	Compensations and pensions to holders of abolished offices and former commissioners of bankrupts.	24 & 25 Vict. c. 134. s. 35.
” ”	Salaries, expenses and contingencies of officers of Insolvent Debtors Court.	24 & 25 Vict. c. 134. s. 30.

A.D. 1869.

FIFTH SCHEDULE.

A description of part of an Act is inclusive of the words and sections first or last mentioned or referred to as forming the beginning or end of the portion described.

Date of Act.	Title of Act.	
12 Geo. 2. c. 24. -	An Act to empower the High Court of Chancery to lay out upon proper securities any monies not exceeding a sum therein limited out of the common and general cash in the Bank of England belonging to the suitors of the said court, for the ease of the said suitors by applying the interest arising therefrom for answering the charges of the office of the Accountant General of the said court.	
4 Geo. 3. c. 32. -	An Act to empower the High Court of Chancery to lay out upon proper securities a further sum of money not exceeding a sum therein limited out of the common and general cash in the Bank of England belonging to the suitors of the said court, and for applying the interest arising therefrom towards answering the charges of the office of the Accountant General of the said court.	
5 Geo. 3. c. 28. -	An Act to empower the High Court of Chancery to lay out upon government securities a sum of money therein mentioned out of the common and general cash in the Bank of England belonging to the suitors of the said court, and to apply the interest arising therefrom towards augmenting the income of the masters of the said court.	
9 Geo. 3. c. 19. -	An Act to empower the High Court of Chancery to lay out upon government securities a further sum of money, not exceeding a sum therein limited, out of the common and general cash in the Bank of England belonging to the suitors of the said court, and to apply the interest arising therefrom towards answering the charges of the office of the Accountant General of the said court.	
14 Geo. 3. c. 43.	An Act for rebuilding the office of the six clerks of the King's Court of Chancery, and for erecting offices for the Register and Accountant General of the said court for the better preserving the records, decrees, orders, and books of account kept in such offices.	
32 Geo. 3. c. 42. in part.	An Act to empower the High Court of Chancery to lay out a further sum of the suitors money upon proper securities, and for applying the interest towards discharging the expenses of the office of the Accountant General, and for building offices for the masters in ordinary in Chancery, and a publick office for the suitors of the said court, and offices for the secretaries of bankrupts and lunaticks, and for building repositories for securing the title deeds of the suitors of the said court, and the records and proceedings of the commissioners of bankrupts and lunaticks.	In part, namely; except section eight.

Date of Act.	Title of Act.	
46 Geo. 3. c. 128.	An Act for making provision for such masters in ordinary of the High Court of Chancery as from age or infirmity shall be desirous of resigning their offices with the approbation of the said court, and for augmenting the income of the masters in ordinary of the said court.	
46 Geo. 3. c. 129. -	An Act to provide additional salaries to the present clerks in the office of the Accountant General of the High Court of Chancery, and to provide additional clerks for the said office, with salaries; and to make other payments in respect of the said office.	
50 Geo. 3. c. clxiv. - in part.	An Act for building certain offices for the examiners, cursitors, clerk of the Crown, and clerks of the petty bag of the High Court of Chancery; and for making certain regulations in the Examiner's office of the said court; and for making provision for such of the examiners, deputy examiners, and clerks as, from length of service, or from age or infirmity, are or shall be incapacitated from the due execution of their offices; and for making provision for other officers of the said court; and for making other payments in respect of the said offices.	In part, namely;—sections one, three, eight, fifteen to nineteen, twenty-one, and twenty-five to twenty-eight.
53 Geo. 3. c. 24. in part.	An Act to facilitate the administration of justice.	In part, namely;—sections seven to twelve.
2 & 3 Will. 4. c. 122. in part.	An Act for making provision for the Lord High Chancellor of England in lieu of fees heretofore received by him.	In part, namely;—except sections eight to ten.
3 & 4 Will. 4. c. 94. in part.	An Act for the regulation of the proceedings and practice of certain offices of the High Court of Chancery in England.	In part, namely;—sections thirty-five to thirty-eight and forty-three to forty-seven.
5 & 6 Will. 4. c. 29 in part.	An Act for investing in government securities a portion of the cash lying unemployed in the Bank of England belonging to bankrupts estates, and applying the interest thereon in discharge of the expenses of the Court of Bankruptcy, and for	In part, namely; — sections one to four, nine to eleven, fourteen to seventeen, nineteen and twenty.

Date of Acts.	Title of Act.	
	the relief of the suitors in the said court, and for removing doubts as to the extent of the powers of the Court of Review and of the Subdivision Courts.	
6 & 7 Will. 4. c. 27.	An Act for investing in government securities further portions of the cash lying unemployed in the Bank of England belonging to bankrupts estates.	
7 Will 4. & 1 Vict. c. 46. in part.	An Act to vest the Rolls Estate in Her Majesty, and to provide for the future payment of the salary of the Master of the Rolls, and the expenses of the Rolls Chapel.	In part, namely;—sections six to nine, and eleven to thirteen.
1 & 2 Vict. c. 54. -	An Act for making further investments from the money of the suitors of the Court of Chancery and the Court of Exchequer, and for providing for the payment into court of fees received by certain officers of the Lord Chancellor.	
3 & 4 Vict. c. 66. in part.	An Act to make provision for the judge, registrar, and marshal of the High Court of Admiralty of England.	In part, namely;—sections eight and thirteen to sixteen.
3 & 4 Vict. c. 94. -	An Act for facilitating the administration of justice in the Court of Chancery.	In part, namely;—sections two, three, and four.
5 Vict. c. 5. in part -	An Act to make further provision for the administration of justice.	In part, namely;—sections eleven, twelve, and fifty-eight to sixty-three.
5 & 6 Vict. c. 84. in part.	An Act to alter and amend the practice and course of proceeding under commissions in the nature of writs de lunatico inquirendo.	In part, namely;—except section ten.
5 & 6 Vict. c. 103. in part.	An Act for abolishing certain offices of the High Court of Chancery in England.	In part, namely;—sections twenty, twenty-one to twenty-seven, and section twenty-nine from "and further that all dividends" to end of section.
8 & 9 Vict. c. 100. in part.	An Act for the regulation of the care and treatment of lunatics.	In part, namely;—sections thirty-five, ninety-seven, and ninety-eight.
12 & 13 Vict. c. 109. in part.	An Act to amend an Act to regulate certain offices in the petty bag in the High Court of Chancery the practice of the common law side of that court and the enrolment office of the said court.	In part, namely;—sections six to eight, twenty-one, and twenty-three.

Date of Acts.	Title of Act.	
14 & 15 Vict. c. 83. in part.	An Act to improve the administration of justice in the Court of Chancery and in the judicial committee of the Privy Council.	In part, namely;—sections nineteen, twenty-two, and twenty-three.
15 & 16 Vict. c. 80. in part.	An Act to abolish the office of Master in Ordinary of the High Court of Chancery, and to make provision for the more speedy and efficient dispatch of business in the said court.	In part, namely;—sections six, forty-eight, and forty-nine.
15 & 16 Vict. c. 87. in part.	An Act for the relief of the suitors in the High Court of Chancery.	In part, namely;—sections two, six to thirteen, forty-eight, fifty-one, fifty-three, fifty-four, and so much of section fifty-two as relates to the fund out of which the sums are to be payable.
16 & 17 Vict. c. 70. in part.	An Act for the regulation of proceedings under commissioners of lunacy, and the consolidation and amendment of the Acts respecting lunatics so found by inquisition on their estates.	In part, namely;—sections twenty-five, thirty, and thirty-one.
16 & 17 Vict. c. 98. - in part.	An Act for the relief of the suitors of the High Court of Chancery.	In part, namely;—section two from "out of the fund" to the end of the section, and section four.
17 & 18 Vict. c. 78. - in part.	An Act to appoint persons to administer oaths, and to substitute stamps in lieu of fees, and for other purposes, in the High Court of Admiralty of England.	In part, namely;—sections fourteen to twenty-one, both inclusive.
18 & 19 Vict. c. 134. in part.	An Act to make further provision for the more speedy and efficient dispatch of business in the High Court of Chancery, and to vest in the Lord Chancellor the ground and buildings of the said Court, situate in Southampton Buildings, Chancery Lane, with powers of leasing and sale thereof.	In part, namely;—section fourteen, and sections seventeen to twenty-two.
25 & 26 Vict. c. 86. in part.	The Lunacy Regulation Act, 1862.	Section twenty-seven.

Courts of Justice Salaries and Funds.

A

B I L L

For amending the Law relating to the Salaries, Expenses, and Funds of Courts of Law in England.

(*Prepared and brought in by*
Mr. Dodson, Mr. Chancellor of the Exchequer,
and Mr. Ayrton.)

Ordered, by The House of Commons, *to be Printed,*
23 *April* 1869.

[Bill 96.]

Under 4 *oz.*

Courts of Justice Salaries and Funds Bill.

[AS AMENDED ON CONSIDERATION OF BILL AS AMENDED.]

ARRANGEMENT OF CLAUSES.

Preliminary.

Clause.
1. Short title.
2. Commencement of Act.
3. Definitions.

Court of Chancery.

4. Transfer of stock and cash to National Debt Commissioners.
5. Indemnity out of Consolidated Fund to suitors of Court of Chancery.
6. Deficiency and excess of cash balances to credit of Accountant General.
7. Unclaimed dividends under 16 & 17 Vict. c. 98. s. 3.
8. Income of Court of Chancery to go to Consolidated Fund.

Court of Bankruptcy.

9. Transfer of stock and cash to National Debt Commissioners.
10. Indemnity out of Consolidated Fund to suitors of Court of Bankruptcy.
11. Deficiency and excess of cash balance to credit of Accountant in Bankruptcy.

Salaries, Pensions, &c.

12. Salaries of judges charged on Consolidated Fund.
13. Compensations, pensions, salaries, &c. charged on annual votes.

Officers of Court.

14. Appointment of officers.

Clause.

Buildings.

15. Courts and buildings.

Fees.

16. Alteration of fees in Court of Chancery.
17. Fees in Court of Admiralty.
18. Fees in Court of Bankruptcy.
19. Fees to be taken by stamps.
20. Stamp to be impressed or adhesive.—Clause A.
21. General rules to be made by Treasury.—Clause B.
22. Documents not properly stamped to be invalid.—Clause C.
23. Receipts from stamps to be paid to Consolidated Fund.—Clause D.
24. Annual account and expenditure of Courts of Chancery and Bankruptcy.—Clause E.
25. Application of 30 & 31 Vict. c. 122. s. 3. to Admiralty fees.—Clause F.
26. Accounts to show surplus and deficit, and comparison for two years.—Clause G.
27. Accounts to be laid before Houses of Parliament.—Clause H.
28. Provision for deficit on accounts.—Clause I.

Miscellaneous.

29. Saving for Act of present session.
30. Application of stock and cash transferred to Commissioners for Reduction of National Debt.
31. Accounts.—Clause K.
32. Orders by Lord Chancellor.
33. Treasury may make regulations.
34. Repeal of Acts.
Schedules.

A

BILL

[AS AMENDED ON CONSIDERATION OF BILL AS AMENDED]

FOR

Amending the Law relating to the Salaries, Expenses, and Funds of Courts of Law in England.

A.D. 1869.

WHEREAS it is expedient that the expenditure for the courts of justice should be (so far as may be) defrayed out of monies to be provided for that purpose by Parliament, or out of the Consolidated Fund:

And whereas in the second part of the first and second schedules to this Act there are shown the stock and cash which on the several days mentioned in those schedules belonged to the Courts of Chancery and Bankruptcy (as distinguished from the stock securities and cash which are the property of the suitors therein):

And whereas the charges on such stock and cash are shown in the third and fourth schedules to this Act:

And whereas it is expedient that on the charges thereon being transferred to the Consolidated Fund or monies provided by Parliament, the said stock and cash should be transferred to the public:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as "The Courts of Justice (Salaries and Funds) Act, 1869." Short title.

2. This Act shall not come into operation until the first day of October one thousand eight hundred and sixty-nine, which date is herein-after referred to as the commencement of this Act. Commencement of Act.

3. In this Act—

The term "the Treasury" means the Commissioners of Her Majesty's Treasury for the time being, or any two or more of them: Definitions.

A.D. 1869.

The term "Court of Chancery" means the High Court of Chancery of England, and includes all offices mentioned in the third schedule to this Act:

The term "Court of Admiralty" means the High Court of Admiralty of England:

The term "Court of Bankruptcy" means, except where otherwise expressly mentioned, the Court of Bankruptcy in London as constituted at the passing of this Act and the District Courts of Bankruptcy, and includes any Court, whether constituted before or after the commencement of this Act, which for the time being exercises the powers of the late Court for the Relief of Insolvent Debtors in England, so far as relates to such late Court.

Court of Chancery.

Transfer of stock and cash to National Debt Commissioners.

4. As soon as may be after the commencement of this Act the Governor and Company of the Bank of England shall, upon an order of the Lord Chancellor to be made in that behalf, and without any draft from the Accountant General, or act done by him, transfer to the account of the Commissioners for the Reduction of the National Debt all sums of stock and cash which on the commencement of this Act may be standing in the books of the Bank of England in the name of the Accountant General of the Court of Chancery to the credit of any of the accounts described in the second part of the first schedule to this Act, and all dividends which may then be or thereafter become due on such stock.

Indemnity out of Consolidated Fund to suitors of Court of Chancery.

5. After the commencement of this Act the Consolidated Fund shall, to the same extent as the stock and cash so transferred, be liable to make good to the suitors of the Court of Chancery the debts which at the commencement of this Act may be due to them in cash from the Court of Chancery in manner stated in the first part of the first schedule to this Act, and the Treasury shall in manner provided by this Act cause the sums required for the payment of such debts to be issued out of the Consolidated Fund.

Deficiency and excess of cash balance to credit of Accountant General.

6. Whenever the Lord Chancellor certifies in writing to the Treasury that the cash balance for the time being standing at the Bank of England to the credit of the Accountant General of the Court of Chancery is less than three hundred thousand pounds, or such other sum as may be from time to time fixed by the Lord Chancellor, with the concurrence of the Treasury (regard being had to the amount required for carrying on the business of the office of the Accountant General, and to the proper remuneration of the Bank of England), the Treasury shall forthwith cause to be paid into the Bank of England to the credit and with the privity of the said Accountant General to be applied by him as part of the common and general cash of the suitors of the said court, such sum out of the growing produce of the Consolidated Fund as may be required to make up the said cash balance to the sum of five hundred thousand pounds, or such other sum as may from time to time be fixed in manner aforesaid, and the liability of the Consolidated Fund under this Act shall be diminished by the amount of the sum so paid.

Whenever the said cash balance exceeds the sum of five hundred thousand pounds, or such other sum as may be fixed in manner aforesaid, the Governor and Company of the Bank of England shall, upon an order of the Lord Chancellor (to be made on the written requisition of the Treasury), and without any draft from the Accountant General or any act to be done by him, transfer such excess, or such part thereof as may be specified in the order, to the account of the Commissioners for the Reduction of the National Debt, and on such transfer being made the Consolidated Fund shall be further liable to the extent of any sum so transferred to make good to the suitors of the Court of Chancery any sum of cash due from the court to them.

The said Accountant General shall keep an account in his books showing the amount of the debts due from the Consolidated Fund to the suitors of the Court in respect of all sums of stock and cash transferred to the said Commissioners under this Act.

Unclaimed dividends under 16 & 17 Vict. c. 98. s. 3.

7. Where the Lord Chancellor, in pursuance of section three of the Act of the session of the sixteenth and seventeenth years of the reign of Her present Majesty, chapter ninety-eight, "for the further relief of the suitors of the High Court of Chancery," makes an order for carrying any dividends or cash to the credit of "the suitors unclaimed dividend account," the dividends and cash so carried over shall be paid in to the receipt of Her Majesty's Exchequer and carried to the Consolidated Fund. On any order made by the court, under section two of the same Act, for paying to a suitor any dividends or cash so carried over, the Treasury shall, if required in writing by the Lord Chancellor, out of the growing produce of the Consolidated Fund, pay the same into the Bank with the privity of the Accountant General of the Court of Chancery to the credit of the account from which such dividends were carried.

Income of Court of Chancery to go to

8. After the commencement of this Act the rent of any of the Masters offices in Southampton Buildings, Chancery Lane, all brokerage payable by the broker of the Court of Chancery to the

Consolidated Fund.

15 & 16 Vict. c. 87. ss. 2, 8, 18.

18 & 19 Vict. c. 134. ss. 18–22.

credit of the suitors fee fund, and all sums for rent received by the solicitor to the suitors fund, and payable by him to the credit of any of the accounts or funds mentioned in part two of the first schedule to this Act, and all moneys which, but for the passing of this Act, would be payable to the credit of any of the said accounts or funds, shall be paid into the receipt of Her Majesty's Exchequer at such times and in such manner as the Treasury may direct, and shall be carried to the Consolidated Fund.

Court of Bankruptcy.

Transfer of stock and cash to National Debt Commissioners.

9. As soon as may be after the commencement of this Act the Governor and Company of the Bank of England shall, upon an order of the Lord Chancellor to be made in that behalf, and without any draft from the Accountant in Bankruptcy or act done by him, transfer to the account of the Commissioners for the Reduction of the National Debt all sums of stock and cash which on the commencement of this Act may be standing in the books of the Bank of England in the name of the Accountant in Bankruptcy to the credit of any of the accounts described in the second part of the second schedule to this Act, and all dividends which may then be or thereafter become due on such stock.

Indemnity out of Consolidated Fund to suitors of Court of Bankruptcy.

10. After the commencement of this Act the Consolidated Fund shall be liable to make good the debts due in cash from the Court of Bankruptcy in respect of the estates of bankrupts, in manner stated in the first part of the second schedule to this Act, and the debts due in cash from the late Court for the Relief of Insolvent Debtors in England in respect of estates of insolvent debtors, in manner stated in the first part of the same schedule, and the Treasury shall in manner provided by this Act cause the sums required for the payment of such debts to be issued out of the Consolidated Fund.

Deficiency and excess of cash balance to credit of Accountant in Bankruptcy.

11. Whenever the Lord Chancellor certifies to the Treasury that the cash balance for the time being standing at the Bank of England to the credit of the Accountant in Bankruptcy is less than fifty thousand pounds, or such other sum as may from time to time be fixed by the Lord Chancellor, with the concurrence of the Treasury, (regard being had to the amount required for carrying on the business of the office of the Accountant and to the proper remuneration of the Bank of England), the Treasury shall forthwith cause to be paid into the Bank of England to the credit of the Accountant to be applied by him as part of such cash balance, such sum out of the growing produce of the Consolidated Fund as may be required to make up the said cash balance to the sum of one hundred thousand pounds, or such other sum as may from time to time be fixed in manner aforesaid.

Whenever the said cash balance exceeds the sum of one hundred thousand pounds, or such other sum as may from time to time be fixed in manner aforesaid, the Governor and Company of the Bank of England shall, on an order of the Lord Chancellor to be made on the written requisition of the Treasury, and without any draft from the Accountant, or act done by him, transfer such excess, or such part thereof as may be specified in the order, to the account of the Commissioners for the Reduction of the National Debt, and on such transfer being made the Consolidated Fund shall be further liable to the extent of the sum so paid to make good any sum of cash due from the Court of Bankruptcy in respect of estates of bankrupts and insolvents.

If under any Act passed in the present session any of the duties previously performed by the Accountant in Bankruptcy are transferred to any other officer, the provisions of this section shall apply in the same manner as if they had been separately enacted with respect to such officer and his office and the duties to be performed by him, and such officer had been named herein instead of the said Accountant.

Salaries, Pensions, &c.

Salaries of judges charged on Consolidated Fund.

12. After the commencement of this Act the salaries and pensions of the judges mentioned in the first parts of the third and fourth schedules to this Act shall be paid out of the Consolidated Fund.

Compensations, pensions, salaries, &c. charged on annual votes.

13. After the commencement of this Act all compensations, pensions, retiring annuities, and superannuation allowances, at that date charged on any of the stock or cash standing to any of the accounts mentioned in the first and second schedules to this Act, or on the interest of any such stock, and the salaries, charges, and payments described in the second parts of the third and fourth schedules to this Act, and the salaries of and all pensions and superannuation allowances which may be granted to existing and future officers, clerks, and persons employed in the Court of Chancery or the Court of Bankruptcy, and the expenses and contingencies of those courts and of the offices therein, and all other sums payable under any Act relating to such courts, out of any of the stock and cash transferred under this Act, or the interest of such stock, including sums payable in pursuance of section sixteen of The Courts of Justice Building Act, 1865 (which relates to the purchase of compensation allowances), and also all arrears of such

A.D. 1869.

compensations, pensions, annuities, allowances, salaries, charges, and payments accrued before the commencement of this Act, shall be paid out of monies provided by Parliament for the purpose.

All compensations, pensions, annuities, allowances, and salaries payable under this section shall be deemed to accrue from day to day, but shall be payable on such days as the Treasury may from time to time appoint.

If the monies provided by Parliament are at any time insufficient for the purposes mentioned in this section, the Consolidated Fund shall be liable to make good such deficiency to the same extent to which the stock and cash, and the interest of such stock, transferred under this Act, or the income thereof, are liable at the commencement of this Act.

Nothing in this Act shall deprive any person who at the commencement of this Act enjoys any compensation, pension, retiring annuity, superannuation allowance, or salary mentioned in this section, of his right to continue to receive the same compensation, pension, retiring annuity, superannuation allowance, or salary, or of any right he may have to receive any progressive or prospective increase of salary or to obtain any promotion or succession, or any pension, retiring annuity, or superannuation allowance, and nothing in this Act shall affect or diminish any such right.

Officers of Court.

Appointment of officers.

14. The Treasury may from time to time, by order made with the concurrence of the Lord Chancellor, and also with the concurrence of the Master of the Rolls in the case of officers who are appointed or whose salaries are fixed by the Master of the Rolls, either solely or jointly with the Lord Chancellor, and with the concurrence of the Judge of the Court of Admiralty, in the case of the officers of that court, increase or diminish the number of officers in the Courts of Chancery, Bankruptcy, and Admiralty, and the amounts of the salaries of such officers, and determine the conditions on which they are to hold their offices, and regulate the expenses and contingencies incurred in respect of the said courts or the officers belonging thereto.

Any officer appointed after the commencement of this Act shall take his office subject to any order that may thereafter be made under this section in relation to the abolition or modification of his office, but no order made under this section shall, without his consent, apply to any officer holding office at the date of the commencement of this Act, and when the conditions on which any officer is to hold his office, and the salary to be paid to him, have been determined by any order under this section for the time being in force, no subsequent order under this section shall apply to such officer without his consent.

Any order made under this section shall be laid before both Houses of Parliament within fourteen days after it is made if Parliament be then sitting, or if not, within fourteen days after the commencement of the next session. It shall also be published in the London Gazette, and when so published shall be of the same force as if it were enacted in this Act, but subject to being varied or repealed from time to time by other orders made in like manner under this Act, and any enactment inconsistent with such order shall be repealed from and after the date of any such publication.

The term "officer" in this section means all officers, clerks, messengers, and persons who are mentioned in the second parts of the third and fourth schedules to this Act, or are for the time being employed in the said Courts of Chancery, Bankruptcy, and Admiralty, or any of them, or the offices connected therewith.

Buildings.

Courts and buildings. 1861, s. 68.

15. The building in Basinghall Street in the City of London known as the Court of Bankruptcy, and the buildings in Portugal Street, Lincoln's Inn Fields, formerly known as the Court for Relief of Insolvent Debtors, (and occupied at the commencement of this Act by the officers of that Court, and by the Land Registry and the Courts of Justice Commission,) shall, with the sites thereof, continue vested in the Commissioners of Her Majesty's Works and Public Buildings, and shall be appropriated as the Lord Chancellor, with the concurrence of the Treasury, from time to time directs.

On the commencement of this Act all the rights and interest of the District Commissioners in the buildings then used for the District Courts of Bankruptcy, and in all other buildings vested in the District Commissioners as such, and in the sites thereof, and in all furniture and effects belonging to the District Courts, and the offices thereof, be transferred to and vest in the Commissioners of Her Majesty's Works and Public Buildings, and the same shall be appropriated as the Lord Chancellor, with the concurrence of the Treasury, from time to time directs.

Fees.

Alteration of fees in Court of Chancery.

16. After the commencement of this Act the Lord Chancellor, with the advice and consent of the Lords Justices of Appeal, Master of the Rolls, and Vice Chancellors, or any three of them, and with the concurrence of the Treasury, may from time to time by order increase, reduce, or abolish all or any of the existing fees and per-centages (including the per-centage on estates of lunatics), and appoint new fees to be taken in relation to proceedings in the Court of Chancery, or in any of the offices mentioned in the third schedule to this Act.

Until any such order is made the fees existing at the commencement of this Act shall continue to be taken.

Fees in Court of Admiralty.

17. After the commencement of this Act, the Judge of the Court of Admiralty may from time to time by order, with the concurrence of the Treasury, increase, reduce, or abolish all or any of the existing fees, and appoint new fees to be taken in relation to proceedings in the Court of Admiralty.

Until any such order is made the fees existing at the commencement of this Act shall continue to be taken.

Fees in Court of Bankruptcy. 24 & 25 Vict. c. 134. s. 45.

18. After the commencement of this Act the Lord Chancellor, with the concurrence of the Treasury, may from time to time by order increase, reduce, or abolish all or any of the existing fees, and appoint new fees to be taken in relation to proceedings in the Court of Bankruptcy.

Until any such order is made the fees existing at the commencement of this Act shall continue to be taken.

Fees to be taken by stamps.

19. After the commencement of this Act all fees whatever, or payments in the nature or lieu of fees, for the time being payable in the Courts of Chancery, Admiralty, and Bankruptcy, or any of the offices therein, including the per-centage payable out of estates of lunatics, shall, except so far as the Lord Chancellor may from time to time otherwise by order direct, be taken by means of stamps, and if taken in money in pursuance of any such order shall be paid into the receipt of Her Majesty's Exchequer, and be carried to the Consolidated Fund.

Clause A. Stamp to be impressed or adhesive. 28 & 29 Vict. c. 45. s. 2.

20. All or any stamps to be used under this Act shall be impressed or adhesive, as the Treasury from time to time direct.

Clause B. General rules to be made by Treasury. 28 & 29 Vict. c. 45. s. 3.

21. The Treasury, with the concurrence of the Lord Chancellor, or, in the case of the Court of Admiralty, of the Judge of that Court, may from time to time make such rules as seem fit for regulating the use of stamps under this Act, and particularly for prescribing the application thereof to documents from time to time in use or required to be used for the purposes of such stamps, and for insuring the proper cancellation of adhesive stamps and keeping accounts of such stamps.

CLAUSE C. Documents not properly stamped to be invalid. 28 & 29 Vict. c. 45. s. 4.

22. Any document which ought to bear a stamp under this Act shall not be of any validity unless and until it is properly stamped; but if any such document is through mistake or inadvertence received, filed, or used without being properly stamped, the Lord Chancellor or a judge of one of the said courts may, if he thinks fit, order that the same be stamped as in such order may be directed, and on such document being stamped accordingly the same and every proceeding relative thereto shall be as valid as if such document had been properly stamped in the first instance.

CLAUSE D. Receipts from stamps to be paid to Consolidated Fund. 29 & 30 Vict. c. 101. s. 2.

23. The Commissioners of Inland Revenue shall keep a separate account of all money received in respect of stamps under this Act; and, subject to the deduction of any expenses incurred by those Commissioners in the execution of this Act, the money so received shall, under the direction of the Treasury, be carried to and form part of the Consolidated Fund.

CLAUSE E. Annual account and expenditure of Courts of Chancery and Bankruptcy.

24. The Treasury shall cause to be prepared annually (with respect to the Court of Chancery and the Court of Bankruptcy separately) an account for the year ending the thirty-first of March, showing on the one side the following receipts:

1. The dividends or interest which would have arisen from the stock transferred to the Commissioners for the Reduction of the National Debt under this Act, and from the stock and securities purchased with cash so transferred, if such stock and securities were not cancelled;
2. All unclaimed dividends, rents, brokerage, and other sums paid into the receipt of Her Majesty's Exchequer under this Act in respect of said courts respectively;
3. The amount received, after deducting the expenses, in respect of fees and per-centages taken in relation to proceedings in the said courts respectively, or in any of the offices thereof;

and showing on the other side the expenditure during such year for compensations, pensions, retiring annuities, superannuation allowances, salaries, charges, expenses, and payments incurred in respect of the said courts respectively.

Where any sum has been paid in pursuance of this Act out of the growing produce of the Consolidated Fund to the credit of the Accountant-General of the Court of Chancery, or the Accountant in Bankruptcy or other officer, such allowance shall be made in the said accounts as if on the day of such payment an amount of the three per centum consolidated bank annuities transferred under this Act had been sold sufficient to raise the sum so paid.

A.D. 1869.

The term "Court of Bankruptcy" in this section means the court as defined by this Act, or as constituted by any Act of the present session.

CLAUSE F.
Application of 30 & 31 Vict. c. 122. s. 3. to Admiralty fees.

25. So much of the Courts of Law Fees Act, 1867, as relates to the account with respect to the High Court of Admiralty, shall be construed as if the fees therein referred to were the fees authorized under this Act.

CLAUSE G.
Accounts to show surplus and deficit, and comparison for two years.
30 & 31 Vict. c. 122. s. 5.

26. Each of the said annual accounts prepared in pursuance of this Act shall show the deficit or surplus of receipts as compared with expenditure, and the second of each such yearly accounts and every subsequent account shall show the items for two consecutive years, and the increase or decrease of any item in the second of those years as compared with the first.

The first of the said annual accounts shall be made up for the period between the commencement of this Act and the thirty-first day of March one thousand eight hundred and seventy.

CLAUSE H.
Accounts to be laid before Houses of Parliament.
30 & 31 Vict. c. 122. s. 6.

27. Each of the said annual accounts prepared in pursuance of this Act shall be laid before both Houses of Parliament within one month after the thirty-first day of March in each year, if Parliament is then sitting, or if not, then within one month after the next meeting of Parliament.

CLAUSE I.
Provision for deficit on accounts.
30 & 31 Vict. c. 122. s. 8.
Accounts.

28. If in any year there is a deficit on either of the annual accounts as aforesaid, the amount of such deficit shall be debited to the same account in the next following year; provided that no such deficit shall be debited to any account unless and until there has been in some year a surplus on the same account, and after there has been such a surplus the deficit (if any) of every subsequent year shall be so debited, but not that of any year previous to that in which there first was a surplus.

Miscellaneous.

Saving for Act of present session.

29. The provisions of this Act with respect to the Court of Bankruptcy shall be subject to any provisions made with respect to that court by any Act passed in the present session.

Application of stock and cash transferred to Commissioners for Reduction of National Debt.

30. As soon as any sums of stock have been transferred in pursuance of this Act to the Commissioners for the Reduction of the National Debt, the Treasury shall by warrant direct the Governor and Company of the Bank of England to cancel such sums in the books of the said governor and company. The Commissioners for the Reduction of the National Debt shall apply all cash transferred to them in pursuance of this Act in reduction of the National Debt in the same manner as if such cash were a surplus of the annual revenue.

CLAUSE K.

Accounts.

31. The Treasury shall cause to be kept by such persons and in such manner as they may from time to time direct, accounts of the liability of the Consolidated Fund under this Act, and such accounts as may be necessary in order to admit of the preparation of the annual accounts required by this Act in respect of the Courts of Chancery and Bankruptcy.

Orders by Lord Chancellor.

32. The Lord Chancellor may from time to time make such orders as he may think necessary for carrying this Act into effect.

Treasury may make regulations.

33. The Treasury from time to time may make such rules and regulations and issue such order concerning the form and mode of transmission of certificates and vouchers, and otherwise for checking, controlling, and regulating the payment of the charges transferred by this Act to the Consolidated Fund or monies provided by Parliament, and for enforcing and regulating the accounting for and due payment of the stock and monies to be transferred to the Commissioners for the Reduction of the National Debt, or to be carried to the Consolidated Fund under this Act, as they may think fit; and a return of any such rules and regulations which may be issued by the Treasury shall be laid before both Houses of Parliament within six weeks from the date of the issue thereof if Parliament be then sitting, and if it be not then sitting within six weeks from the day of the next ensuing meeting of Parliament.

Repeal of Acts.

34. The enactments described in the fifth schedule to this Act are hereby repealed.

Provided that this repeal shall not affect anything already done or suffered, or any right acquired or order made, under the said enactments or any of them.

Nor shall this repeal affect the right of any person to receive such salary, compensation, retiring annuity, pension, superannuation allowance, or progressive or prospective increase of salary, or to obtain such promotion or succession, or pension, retiring annuity, or superannuation allowance as he might have received or obtained if this repeal had not been enacted.

FIRST SCHEDULE.

Court of Chancery.

Funds standing in Name of Accountant General.

Part I.

Belonging to Suitors, and not transferred by Act.

Monies and stock as standing on the 1st of October 1868.	Title of credit to which monies and stock stand.	To whom belonging, and charges thereon.	Origin of funds and remarks.	Acts.
£56,229,314 1*s.* 1*d.* stock.	Accounts of various suitors kept causewise.	Principal and interest belongs to suitors.		
£2,764,744 1*s.* 10*d.* book debt due in cash from the Court of Chancery to suitors. £382,157 9*s.* 10*d.* cash.	Accounts of various suitors kept causewise.	Belongs to suitors, being cash which they have not asked to have invested; no interest therefore is payable to suitors thereon.		
Book debt due from Court of Chancery to suitors of amount paid in by them, estimated as equal to value at commencement of this Act of stock on this account mentioned in Part II. £3,462 13*s.* 8*d.* cash.	Appeal deposit account - -	Belongs chiefly to suitors, being cash paid by them on appealing from courts of first instance; no interest is payable to suitors thereon.		15 & 16 Vict. c. 87. s. 41.

FIRST SCHEDULE—*continued.*

Monies and stock as standing on the 1st of October 1868.	Title of credit to which monies and stock stand.	To whom belonging, and charges thereon.	Origin of funds and remarks.	Acts.
PART II.				
Belonging to Court, and transferred by Act.				
FUND (A.) called in this Act "The Suitors Fund."				
Bank £3 per cent. annuities, £1,588,215 17*s.* 6*d.* Reduced annuities, £1,571,894 3*s.* 6*d.* £3,160,110 1*s.* stock.	"Account of monies placed out for the benefit and better security of the suitors of the High Court of Chancery."	Principal belongs to court, subject to the liability to make good to the suitors, without interest, the £2,764,744 1*s.* 10*d.* book debt due to them mentioned in Part I.	Arose from the investment by the court in pursuance of Acts of Parliament as a banker at its own risk of the £2,764,744 1*s.* 10*d.* described as a book debt in Part I.; some portion of which is unclaimed money, and will probably remain so. The price at which this stock must be sold to realize the above sum is 88⅛.	*See* Acts in fifth Schedule.
£14,652 9*s.* 5*d.* cash.	"Account of interest arising from monies placed out for the benefit and better security of the suitors of the High Court of Chancery."	Belongs to court; is charged with salaries and pensions of Accountant General, his clerks, and other officers. *See* below on Fund C. and third Schedule.	Is interest on stock of Fund (A.) and rent of masters' offices.	
FUND (B.) called in this Act "The Surplus Interest Fund."				
Reduced annuities, £352,976 8*s.* 7*d.* New 3 per cent. annuities, £24 6*s.* East India stock, 4*s.* 11*d.* £353,000 19*s.* 6*d.* stock.	"Account of securities purchased with surplus interest arising from securities carried to an account of monies placed out for the benefit and	Principal belongs to the Court subject to liability to make good by sale of principal and interest any deficiency in Fund (A.) to meet the	Arose chiefly from investment of interest on Fund (A.), that is of banking profits of the court after paying expenses. As the surplus of that interest is now	5 Vict. c. 5. 15 & 16 Vict. c. 80. s. 49.

FIRST SCHEDULE—*continued*.

Monies and stock as standing on the 1st of October 1868.	Title of credit to which monies and stock stand.	To whom belonging, and charges thereon.	Origin of funds and remarks.	Acts.
		FUND (B.)—*continued*.		
£353,000 19*s*. 6*d*. stock —*continued*.	better security of the suitors of the High Court of Chancery."	£2,764,744 1*s*. 10*d*. book debt in Part I.	carried to Fund (C.), this fund does not now increase. In 1865 the amount of this fund was £1,291,629 5*s*. 6*d*., of which 1,000,000*l*. was authorized to be sold by "The Courts of Justice Building Act, 1865." The Consolidated Fund was by that Act charged to the extent of 1,000,000*l*. to meet any deficiency which this fund could be called upon to meet.	
£1,371 9*s*. 10*d*. cash.	"Account of interest arising from securities purchased with surplus interest arising from securities carried to an account of monies placed out for the benefit and better security of the suitors of the High Court of Chancery."	Belongs to Court; is charged with certain salaries and with certain compensations in the nature of life annuities and other temporary charges. *See* third Schedule.	Is interest on stock of Fund (B.)	
		FUND (C.) called in this Act "The Suitors Fee Fund."		
£217,106 7*s*. 1*d*. cash.	"The Suitors Fee Fund Account."	Belongs to Court. Charged with salaries and pensions of officers (except those charged on Funds (A.) and (B.), and those of Lord Chancellor, and Judges, and	Is only a receipt and expenditure account. The surplus interest on Funds (A.) and (B.), and the interest on Funds (D.) and (E.), and all fees and other revenues	2 & 3 Will. 4. c. 122. 3 & 4 Will. 4. c. 94. 1 & 2 Vict. c. 54. 5 Vict. c. 5.

FIRST SCHEDULE—*continued.*

Monies and stock as standing on the 1st of October 1868.	Title of credit to which monies and stock stand.	To whom belonging, and charges thereon.	Origin of funds and remarks.	Acts.
		FUND (C.)—*continued.*		
£217,106 7*s.* 1*d.* cash —*continued.*		certain officers of Lord Chancellor whose salaries are charged on Consolidated Fund), and expenses of Court, and Compensations. *See* third Schedule.	of the Court, and brokerage paid by broker of Court, are carried to this fund.	5 & 6 Vict. c. 10. s. 121. 15 & 16 Vict. c. 80. s. 51. 15 & 16 Vict. c. 87. ss. 18, 53. 16 & 17 Vict. c. 98.
		FUND (D.)		
£201,028 2*s.* 3*d.* Bank £3 per cent. annuities.	"Account of monies placed out to provide for the officers of the High Court of Chancery."	Belongs to Court. Is liable to make good, by sale of the principal, the charges on Fund (C.)	Arose from surplus of Fund (C.)	
		FUND (E.)		
£1,517 9*s.* 5*d.* Bank £3 per cent. annuities.	"Account of money arising from sale of Six Clerks Offices."	Belongs to Court - -	Arose from sale of old Six Clerks Office.	14 Geo. 3. c. 43. 5 & 6 Vict. c. 103. s. 29.
		FUND (F.)		
£10,000. Bank £3 per cent. annuities. £4,486 5*s.* cash.	"Appeal deposit account."	Belongs to Court. Is liable to make good debt to suitors as mentioned in Part I.	The stock represents the accumulated amount of deposits invested by registrars previously to the passing of 15 & 16 Vict. c. 87. Cash arises from dividends on above stock.	15 & 16 Vict. c. 87. s. 41.
		FUND (G.)		
£4,559 13*s.* 9*d.* Bank £3 per cent. annuities.	Keeper or clerk of the Hanaper in Chancery.	Belongs to Court. Interest is payable in aid of revenues of Hanaper Office.	Accumulations from old sixpenny duty on sealing writs, converted by order of court in 1753.	

SECOND SCHEDULE.

Court of Bankruptcy.

Funds in Name of Accountant in Bankruptcy.

Part I.

Belonging to Suitors, and not transferred by Act.

Money and stock standing on the 1st of January 1869.	Title of credit to which money and stock stand.	To whom belonging, and charges thereon.	Origin of fund and remarks.	Acts.
£22,145. 1*s*. stock. £103,100 Exchequer bills.	General account of bankrupts estates.	Principal and interest the property of bankrupts and insolvents estates.	Consists of securities the property of bankrupts and insolvents estates.	5 & 6 Will. 4. c. 29. s. 4. 24 & 25 Vic. c. 134. ss. 127–8.
£1,091,663 9*s*. 3*d*. Book debt due from Court of Bankruptcy in respect of bankrupts and insolvents estates. £37,510 8*s*.4*d*. cash.	Do. do.	Belongs to bankrupts and insolvents estates, being cash paid in as part of bankrupts and insolvents estates to the credit of those estates which has not been invested on account of those estates. No interest is payable thereon.	Portions of the unemployed cash are, in pursuance of Act of Parliament, from time to time invested at the risk of the Court, but with a Parliamentary guarantee, and carried to Bankruptcy Fund Account.	
£221,361 4*s*. 11*d*. Book debt due from Court of Bankruptcy to creditors of bankrupts.	Unclaimed dividend account.	Belongs to creditors or bankrupts, being cash due to creditors as dividends, or surplus from bankrupts estates. No interest is payable thereon.		
Book Debt due from Court of Bankruptcy to suitors of Insolvent Debtors Court of amount of unclaimed dividends, and undivided surplus of insolvents estates estimated as equal to value at commencement of this Act of stock on this account mentioned in Part II.	Purposes of the 26th section of the Bankruptcy Act, 1861, account.	Belongs to suitors of late Insolvent Debtors Court. No interest is payable thereon.	Transferred to Bankruptcy Court in 1861, 24 & 25 Vict. c. 134. s. 26., consists mainly of unclaimed dividends and undivided surplus.	24 & 25 Vict. c. 134.

PART II.

Belonging to Court, and transferred by Act.

FUND (A.)

Money and stock standing on the 1st of January 1869.	Title of credit to which monies and stock stand.	To whom belonging, and charges thereon.	Origin of fund and remarks.	Acts.
£1,193,128 4*s.* stock.	The Bankruptcy Fund Account	Principal and interest belongs to Court, subject to liability to make good to bankrupts and insolvents estates the £1,091,663 9*s.* 3*d.* book debt shown in Part I. in respect of the general account of bankrupts and insolvents estates.	Arises from certain investments by the Court as a banker at its own risk of cash belonging to bankrupts estates and of unclaimed dividends before 6th August 1861. Interest carried to Chief Registrar's account. When the cash balances to the "General account of bankrupts estates" are too low, stock is sold from this account, and carried to that account. Any deficiency in the fund to answer any such demands to be made good by Parliament, 5 & 6 Will. 4. c. 29. s. 20. and 12 & 13 Vict. c. 106. sec. 55.	5 & 6 Will. 4. c. 29. ss. 1, 6, 10, 14, 16, 20. 6 & 7 Will. 4. c. 27. ss. 1, 2. 12 & 13 Vict. c. 106. ss. 34, 55.
		FUND (B.)		
£29,652 11*s.* 8*d.* cash. £315,153 2*s.* 11*d.* stock.	Chief Registrar's Account -	Is the property of the Court. Charged with salaries, pensions, compensations, and incidental expenses of the Court, 24 & 25 Vict. c. 134. ss. 33–36.	Formed chiefly from fees, but partly by the consolidation of several old accounts (12 & 13 Vict. c. 106. s. 32), partly from investments of the surplus cash of the Court, and from interest of stock standing to the Bankruptcy Fund Account and unclaimed Dividend Account.	1 & 2 Will. 4. c. 56. ss. 45, 48, 50, 52, 55. 5 & 6 Will. c. 29. s. 16. 12 & 13 Vic. c. 108. ss. 32, 48, 49. 24 & 25 Vic. c. 134. ss. 31, 32, 33, 36, 39, 41, 198.

A.D. 1869.

SECOND SCHEDULE—*continued.*

Money and stock standing on the 1st of January 1869.	Title of credit to which monies and stock stand.	To whom belonging, and charges thereon.	Origin of funds, and remarks.	Acts.
		FUND (C.)		
£244,387 19*s.* 1*d.* stock. £6,064 6*s.* 8*d.* cash.	Unclaimed Dividend Account -	Principal and interest the property of the Court. Liable to payment to creditors of the sum of £221,361 4*s.* 11*d.* cash described as a book debt in Part I., due from Court for dividends or ordered to be distributed.	Formed of dividends due to creditors and unclaimed by them, and of undivided surplus of bankrupts estates invested by the Court as a banker at its own risk. Interest carried to Chief Registrar's account.	5 & 6 Will. 4. c. 29. ss. 6, 7. 24 & 25 Vict. c. 134. s. 184.
		FUND (D.)		
£115,911 7*s.* 11*d.* stock. £3,296 7*s.* 3*d.* cash.	Purposes of the 26th section of the Bankruptcy Act, 1861, account.	Principal and interest belong to the Court, transferred from Insolvent Debtors Court in 1861. Charged with payment of the sum in cash described as a book debt in Part I., due from Court to Creditors or Bankrupts in Insolvent Debtors Court in 1861, and of salaries of clerks and other matters mentioned in the 26th section of the Bankruptcy Act, 1861.	Formed of moneys and Government securities standing on the 11th October 1861 to the credit of the Account of the Commissioners of the Court for the Relief of Insolvent Debtors in England.	24 & 25 Vict. c. 134. s. 26.

THIRD SCHEDULE.

PART I.

Salaries and pensions charged on the Consolidated Fund.

Fund out of which Salaries are now payable.	Salaries.	Acts.
Consolidated Fund -	Lord Chancellor. Lords Commissioners of the Great Seal. Lords Justices of Appeal Master of the Rolls. Vice-Chancellors.	15 & 16 Vict. c. 87. s. 16.

PART II.

Salaries and expenses of the Court of Chancery payable out of monies provided by Parliament for the purpose.

Funds out of which Charges are now payable.	Charges, Expenses, and Contingencies of Offices.	Acts.
	Lord Chancellor.	
Suitors Fee Fund - Consolidated Fund.	Salaries of principal secretary, gentleman of the chamber, purse bearer, train bearer, porter, and messenger to great seal, and messenger to Lord Chancellor when out of town.	3 & 4 Will. 4. c. 84. 15 & 16 Vict. c. 87. and orders of Court of Chancery.
Consolidated Fund -	" secretary of presentations and secretary of commissions.	3 & 4 Will. 4. c. 84. 3 & 4 Vict. c. 94. 15 & 16 Vict. c. 87. and orders of Court of Chancery.
Suitors Fee Fund -	" clerks to principal secretary.	
Suitors Fund - - Surplus Interest Fund.	" ushers, tipstaves, persons to keep order in court, stokers and court keepers.	50 Geo. 3. c. 164. (Local and Personal). 3 & 4 Vict. c. 94. 3 & 4 Will. 4. c. 94.
Consolidated Fund -	Expenses of office of clerk of presentations.	3 & 4 Will. 4. c. 84.
Suitors Fee Fund	Expenses and contingencies of the court and of above officers.	15 & 16 Vict. c. 87. and orders of Court of Chancery.

A.D. 1869.

Fund out of which Charges are now payable.	Charges, Expenses, and Contingencies of Offices.	Acts.
	Court of Appeal.	
Suitors Fund. Surplus Interest Fund.	Salaries of secretaries, clerks of the chamber, ushers, train bearers, and persons to keep order in court.	14 & 15 Vict. c. 83. 30 & 31 Vict. c. 87.
Suitors Fee Fund -	Expenses and contingencies of court.	15 & 16 Vict. c. 87. and orders of Court of Chancery.
	Master of the Rolls.	
Suitors Fee Fund -	Salaries of chief secretary, secretary of causes, gentlemen of the chamber, train bearer, clerks, ushers, &c.	7 Will. 4. & 1 Vict. c. 46. 5 & 6 Vict. c. 103. 15 & 16 Vict. c. 87. and orders of Court of Chancery.
Consolidated Fund -	Salaries of preacher and reader and clerk of Rolls chapel, and expenses and contingencies of Rolls chapel.	7 Will. 4. & 1 Vict. c. 46.
Suitors Fee Fund -	Salaries of chief clerks -	15 & 16 Vict. c. 80. 18 & 19 Vict. c. 134. 27 & 28 Vict. c. 15. 30 & 31 Vict. c. 87. and orders of Court of Chancery.
	„ junior clerks and additional junior clerks.	15 & 16 Vict. c. 80. 18 & 19 Vict. c. 134. and orders of Court of Chancery.
Suitors Fund and Surplus Interest Fund.	„ assistant clerks -	3 & 4 Vict. c. 94. 30 & 31 Vict. c. 87. and orders of Court of Chancery.
Suitors Fee Fund -	Expenses and contingencies of court and offices and chambers.	15 & 16 Vict. c. 87.
	Vice Chancellors.	
Suitors Fund and Surplus Interest Fund.	Salaries of secretaries, clerks of the chamber, ushers, train-bearers, and porters of Vice-Chancellors.	53 Geo. 3. c. 24. 55 Geo. 3. c. 64. 5 Vict. c. 5. 15 & 16 Vict. c. 80. 30 & 31 Vict. c. 87. and orders of Court of Chancery.
Suitors Fee Fund -	Salaries of chief clerks -	15 & 16 Vict. c. 80. 27 & 28 Vict. c. 15. 30 & 31 Vict. c. 87. and orders of Court of Chancery.

Fund out of which Charges are now payable.	Charges, Expenses, and Contingencies of Offices.	Acts.
	Vice-Chancellors—continued.	
Suitors Fund, Surplus Interest Fund, and Suitors Fee Fund.	Salaries of junior clerks, additional junior clerks, and assistant clerks. „ persons to keep order in courts. Expenses and contingencies of court and offices and chambers.	3 & 4 Vict. c. 94. 15 & 16 Vict. c. 80. 18 & 19 Vict. c. 134. 30 & 31 Vict. c. 87. and orders of Court of Chancery.
	Chancery Offices.	
Suitors Fee Fund -	Salaries, expenses, and contingencies of registrars and clerks, including clerks of entries and assistant clerks and bagbearers.	3 & 4 Will. 4. c. 94. 3 & 4 Vict. c. 94. 5 Vict. c. 5. 14 & 15 Vict. c. 83. 18 & 19 Vict. c. 134. 30 & 31 Vict. c. 87. and orders of Court of Chancery.
Suitors Fund, Surplus Interest Fund, and Suitors Fee Fund.	Salaries, expenses, and contingencies of Accountant General (including his salary as master), and of his officers.	12 Geo. 1. c. 32. 12 Geo. 2. c. 24. 4 Geo. 3. c. 32. 5 Geo. 3. c. 28. 9 Geo. 3. c. 19. 32 Geo. 3. c. 42. 46 Geo. 3. c. 128. 46 Geo. 3. c. 129. 55 Geo. 3. c. 64. 3 & 4 Vict. c. 94. 15 & 16 Vict. c. 87. and orders of Court of Chancery.
Suitors Fee Fund -	Salaries, expenses, and contingencies of examiners and clerks.	50 Geo. 3. c. clxiv. 15 & 16 Vict. c. 86. 16 & 17 Vict. c. 22.
Suitors Fee Fund -	Salaries, expenses, and contingencies of taxing masters and their clerks and messengers.	5 & 6 Vict. c. 103. 15 & 16 Vict. c. 87. 30 & 31 Vict. c. 87. and orders of Court of Chancery.
Suitors Fee Fund -	Salaries, expenses, and contingencies of clerks of records and writs and their clerks, and master of reports and entries, and clerks of report office.	3 & 4 Will. 4. c. 94. 5 & 6 Vict. c. 103. 18 & 19 Vict. c. 134. 30 & 31 Vict. c. 87. and orders of Court of Chancery.
Suitors Fee Fund -	Salaries, expenses, and contingencies of clerk of enrolments and clerks.	5 & 6 Vict. c. 103. 30 & 31 Vict. c. 87. and orders of Court of Chancery.

Funds out of which Charges are now payable.	Charges, Expenses, and Contingencies of Offices.	Acts.
	Chancery Offices—continued.	
Suitors Fee Fund -	Salaries, expenses, and contingencies of clerk of petty bag and his clerk.	12 & 13 Vict. c. 109.
Suitors Fund and Surplus Interest Fund.	Salary, expenses, and contingencies of solicitor to suitors fund, including costs of contempts.	23 & 24 Vict. c. 149. and orders of Court of Chancery.
" "	Salary of surveyor to court.	Order of Court of Chancery.
Suitors Fee Fund -	Salary of stockbroker of court.	15 & 16 Vict. c. 87. and orders of Court of Chancery.
" "	Keeper of the records of late masters in ordinary.	Orders of Court of Chancery.
	Masters in Lunacy, Registrar in Lunacy, Visitors of Lunatics.	
Suitors Fee Fund -	Salaries of masters in lunacy and their clerks.	5 & 6 Vict. c. 84. 8 & 9 Vict. c. 100. 16 & 17 Vict. c. 70. and orders of Court of Chancery.
" "	" registrar in lunacy and clerks.	16 & 17 Vict. c. 70. 25 & 26 Vict. c. 86. and orders of Court of Chancery.
" "	" visitors of lunatics, and secretary and clerks to visitors.	
" "	Expenses and contingencies of office.	
	Commissioners in Lunacy.	
Consolidated Fund -	Balance required to meet salaries, costs, charges, and expenses.	3 & 4 Will. 4. c. 84. 8 & 9 Vict. c. 100.
	Clerk of the Crown.	
Fees of office and dividend on Fund (G.) in second Schedule.	Salary of and expenses and contingencies of office of clerk of the Crown in Chancery.	3 & 4 Will. 4. c. 84. 15 & 16 Vict. c. 87.

FOURTH SCHEDULE.

PART I.

Salaries and Pensions of the Court of Bankruptcy charged on Consolidated Fund.

Fund out of which Salaries are now payable.	Salaries and Pensions.	Acts.
Chief Registrar's Account.	Commissioners of the Court of Bankruptcy in London.	12 & 13 Vict. c. 106. s. .
" "	District Commissioners of the Court of Bankruptcy in the country.	24 & 25 Vict. c. 134. s. 33.

PART II.

Salaries and Expenses of the Court of Bankruptcy payable out of Monies to be provided by Parliament for the purpose.

Fund out of which Charges are now payable.	Charges, Expenses, and Contingencies of Office.	Acts.
Chief Registrar's Account.	Salaries and pensions of Chief Registrar, Registrars' Accountant, Taxing Master, Official Assignees, Clerks, Ushers, Messengers, and other officers and clerks, and the expenses and contingencies of the London and District Courts of Bankruptcy and costs of prosecutions of bankrupts.	5 & 6 Vict. c. 122. 12 & 13 Vict. c. 106. 24 & 25 Vict. c. 134.
Chief Registrar's Account, the amount being repaid to that Fund out of monies provided by Parliament.	Compensations and pensions to holders of abolished offices and former commissioners of bankrupts.	24 & 25 Vict. c. 134. s. 35.
" "	Salaries, expenses and contingencies of officers of Insolvent Debtors Court.	24 & 25 Vict. c. 134. s. 30.

FIFTH SCHEDULE.

A description of part of an Act is inclusive of the words and sections first or last mentioned or referred to as forming the beginning or end of the portion described.

Date of Act.	Title of Act.	
12 Geo. 2. c. 24. -	An Act to empower the High Court of Chancery to lay out upon proper securities any monies not exceeding a sum therein limited out of the common and general cash in the Bank of England belonging to the suitors of the said court, for the ease of the said suitors by applying the interest arising therefrom for answering the charges of the office of the Accountant General of the said court.	
4 Geo. 3. c. 32. -	An Act to empower the High Court of Chancery to lay out upon proper securities a further sum of money not exceeding a sum therein limited out of the common and general cash in the Bank of England belonging to the suitors of the said court, and for applying the interest arising therefrom towards answering the charges of the office of the Accountant General of the said court.	
5 Geo. 3. c. 28. -	An Act to empower the High Court of Chancery to lay out upon government securities a sum of money therein mentioned out of the common and general cash in the Bank of England belonging to the suitors of the said court, and to apply the interest arising therefrom towards augmenting the income of the masters of the said court.	
9 Geo. 3. c. 19. -	An Act to empower the High Court of Chancery to lay out upon government securities a further sum of money, not exceeding a sum therein limited, out of the common and general cash in the Bank of England belonging to the suitors of the said court, and to apply the interest arising therefrom towards answering the charges of the office of the Accountant General of the said court.	
14 Geo. 3. c. 43. -	An Act for rebuilding the office of the six clerks of the King's Court of Chancery, and for erecting offices for the Register and Accountant General of the said court for the better preserving the records, decrees, orders, and books of account kept in such offices.	
32 Geo. 3. c. 42. in part.	An Act to empower the High Court of Chancery to lay out a further sum of the suitors money upon proper securities, and for applying the interest towards discharging the expenses of the office of the Accountant General, and for building offices for the masters in ordinary in Chancery, and a publick office for the suitors of the said court, and offices for the secretaries of bankrupts and lunaticks, and for building repositories for securing the title deeds of the suitors of the said court, and the records and proceedings of the commissioners of bankrupts and lunaticks.	In part, namely; except section eight.

Date of Act.	Title of Act.	
46 Geo. 3. c. 128.	An Act for making provision for such masters in ordinary of the High Court of Chancery as from age or infirmity shall be desirous of resigning their offices with the approbation of the said court, and for augmenting the income of the masters in ordinary of the said court.	
46 Geo. 3. c. 129. -	An Act to provide additional salaries to the present clerks in the office of the Accountant General of the High Court of Chancery, and to provide additional clerks for the said office, with salaries; and to make other payments in respect of the said office.	
50 Geo. 3. c. clxiv. - in part.	An Act for building certain offices for the examiners, cursitors, clerk of the Crown, and clerks of the petty bag of the High Court of Chancery; and for making certain regulations in the Examiner's office of the said court; and for making provision for such of the examiners, deputy examiners, and clerks as, from length of service, or from age or infirmity, are or shall be incapacitated from the due execution of their offices; and for making provision for other officers of the said court; and for making other payments in respect of the said offices.	In part, namely;—sections one, three, eight, fifteen to nineteen, twenty-one, and twenty-five to twenty-eight.
53 Geo. 3. c. 24. in part.	An Act to facilitate the administration of justice.	In part, namely;—sections seven to twelve.
2 & 3 Will. 4. c. 122. in part.	An Act for making provision for the Lord High Chancellor of England in lieu of fees heretofore received by him.	In part, namely;—except sections eight to ten.
3 & 4 Will. 4. c. 94. in part.	An Act for the regulation of the proceedings and practice of certain offices of the High Court of Chancery in England.	In part, namely;—sections thirty-five to thirty-eight and forty-three to forty-seven.
5 & 6 Will. 4. c. 29 in part.	An Act for investing in government securities a portion of the cash lying unemployed in the Bank of England belonging to bankrupts estates, and applying the interest thereon in discharge of the expenses of the Court of Bankruptcy, and for	In part, namely; — sections one to four, nine to eleven, fourteen to seventeen, nineteen and twenty.

Date of Acts.	Title of Act.	
	the relief of the suitors in the said court, and for removing doubts as to the extent of the powers of the Court of Review and of the Subdivision Courts.	
6 & 7 Will. 4. c. 27.	An Act for investing in government securities further portions of the cash lying unemployed in the Bank of England belonging to bankrupts estates.	
7 Will 4. & 1 Vict. c. 46. in part.	An Act to vest the Rolls Estate in Her Majesty, and to provide for the future payment of the salary of the Master of the Rolls, and the expenses of the Rolls Chapel.	In part, namely;—sections six to nine, and eleven to thirteen.
1 & 2 Vict. c. 54. -	An Act for making further investments from the money of the suitors of the Court of Chancery and the Court of Exchequer, and for providing for the payment into court of fees received by certain officers of the Lord Chancellor.	
3 & 4 Vict. c. 66. in part.	An Act to make provision for the judge, registrar, and marshal of the High Court of Admiralty of England.	In part, namely;—sections eight and thirteen to sixteen.
3 & 4 Vict. c. 94. -	An Act for facilitating the administration of justice in the Court of Chancery.	In part, namely;—sections two, three, and four.
5 Vict. c. 5. in part -	An Act to make further provision for the administration of justice.	In part, namely;—sections eleven, twelve, and fifty-eight to sixty-three.
5 & 6 Vict. c. 84. in part.	An Act to alter and amend the practice and course of proceeding under commissions in the nature of writs de lunatico inquirendo.	In part, namely;—except section ten.
5 & 6 Vict. c. 103. in part.	An Act for abolishing certain offices of the High Court of Chancery in England.	In part, namely;—sections twenty, twenty-one to twenty-seven, and section twenty-nine from "and further that all dividends" to end of section.
8 & 9 Vict. c. 100. in part.	An Act for the regulation of the care and treatment of lunatics.	In part, namely;—sections thirty-five, ninety-seven, and ninety-eight.
12 & 13 Vict. c. 109. in part.	An Act to amend an Act to regulate certain offices in the petty bag in the High Court of Chancery the practice of the common law side of that court and the enrolment office of the said court.	In part, namely;—sections six to eight, twenty-one, and twenty-three.

Date of Acts.	Title of Act.	
14 & 15 Vict. c. 83. in part.	An Act to improve the administration of justice in the Court of Chancery and in the judicial committee of the Privy Council.	In part, namely;—section nineteen.
15 & 16 Vict. c. 80. in part.	An Act to abolish the office of Master in Ordinary of the High Court of Chancery, and to make provision for the more speedy and efficient dispatch of business in the said court.	In part, namely;—sections six, forty-eight, and forty-nine.
15 & 16 Vict. c. 87. in part.	An Act for the relief of the suitors in the High Court of Chancery.	In part, namely;—sections two, six to thirteen, forty-eight, fifty-one, fifty-three, fifty-four, and so much of section fifty-two as relates to the fund out of which the sums are to be payable.
16 & 17 Vict. c. 70. in part.	An Act for the regulation of proceedings under commissioners of lunacy, and the consolidation and amendment of the Acts respecting lunatics so found by inquisition on their estates.	In part, namely;—sections twenty-five, thirty, and thirty-one.
16 & 17 Vict. c. 98. - in part.	An Act for the relief of the suitors of the High Court of Chancery.	In part, namely;—section two from "out of the fund" to the end of the section, and section four.
17 & 18 Vict. c. 78. - in part.	An Act to appoint persons to administer oaths, and to substitute stamps in lieu of fees, and for other purposes, in the High Court of Admiralty of England.	In part, namely;—sections fourteen to twenty-one, both inclusive.
18 & 19 Vict. c. 134. in part.	An Act to make further provision for the more speedy and efficient dispatch of business in the High Court of Chancery, and to vest in the Lord Chancellor the ground and buildings of the said Court, situate in Southampton Buildings, Chancery Lane, with powers of leasing and sale thereof.	In part, namely;—section fourteen, and sections seventeen to twenty-two.
25 & 26 Vict. c. 86. in part.	The Lunacy Regulation Act, 1862.	Section twenty-seven.

Courts of Justice Salaries and Funds.

A

B I L L

[AS AMENDED ON CONSIDERATION OF BILL AS AMENDED]

For amending the Law relating to the Salaries, Expenses, and Funds of Courts of Law in England.

(*Prepared and brought in by*
Mr. Dodson, Mr. Chancellor of the Exchequer,
and Mr. Ayrton.)

Ordered, by The House of Commons, *to be Printed,*
15 *July* 1869.

[Bill 218.]

Under 4 *oz.*

A

BILL

TO

Amend the Law relating to Criminal Lunatics.

A.D. 1869.

WHEREAS by the sixth section of "The Criminal Lunatics Act, 1867," it is enacted, "that where the term of punishment awarded to any criminal lunatic confined in any asylum or "other place of confinement for criminal lunatics expires before "such evidence of his sanity has been given as justifies his being "discharged, such consequences shall ensue as are therein-after "mentioned:" And whereas doubts are entertained whether such section extends to criminal lunatics whose terms of punishment have expired previously to the passing of the said Act, and it is expedient to remove such doubts:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title.

1. This Act may be cited as "The Criminal Lunatics Act, 1869."

Application of sect. 6. of 30 & 31 Vict. c. 12.

2. It is hereby declared that the sixth section of the Criminal Lunatics Act, 1867, does apply and shall be deemed to have applied from the date of the passing thereof to criminal lunatics whose terms of punishment expired before the date of the passing of such Act in the same manner, so far as circumstances admit, as if their terms of punishment had expired subsequently to the passing of such Act, and all orders made and acts done previously to the passing of this Act in respect of or to criminal lunatics whose terms of punishment expired before the passing of the said Criminal Lunatics Act, 1867, shall be valid accordingly.

Criminal Lunatics.

A

B I L L

To amend the Law relating to Criminal Lunatics.

(*Prepared and brought in by*
Mr. Knatchbull-Hugessen and Mr. Secretary
Bruce.)

Ordered, by The House of Commons, *to be Printed,*
22 *June* 1869.

[Bill 172.]

Under 1 *oz.*

A
BILL
TO

Grant certain Duties of Customs and Inland Revenue, and to repeal and alter other Duties of Customs and Inland Revenue.

A.D. 1869.

Most gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.

As to Customs.

Grants of duties of customs in schedule (A.)

1. There shall be charged, collected, and paid, for the use of Her Majesty, her heirs and successors, the duties of customs specified in schedule (A.) to this Act; and all the provisions contained in any Act relating to customs duties, and in force at the time of the passing of this Act, shall have as full force and effect with respect to the said duties of customs granted by this Act, so far as the same are applicable, as if the same had been herein expressly enacted with reference to the said duties so granted.

Eau de Cologne charged per gallon instead of per flask.

2. The duty of customs upon all Cologne water on the importation thereof into Great Britain and Ireland shall be charged at the rate of *fourteen shillings* per gallon, whether imported in flasks or otherwise.

Extracts of malt admissible in transit, &c.

3. From and after the passing of this Act it shall be lawful to import into Great Britain and Ireland extracts and essences of malt, or other concentrations thereof, in transit, or to be warehoused for exportation only.

A.D. 1869.

Repeal of duties on corn, &c.

4. The duties of customs chargeable upon the articles next herein-after mentioned imported into Great Britain and Ireland shall cease and determine on and after the first day of June one thousand eight hundred and sixty-nine; viz.,

Corn, grain, meal, and flour, and articles of the like character, viz.,

Wheat.
Barley.
Oats.
Rye.
Pease.
Beans.
Maize or Indian corn.
Buck wheat.
Bear or bigg.
Wheat meal and flour.
Barley meal.
Oat meal and groats.
Rye meal and flour.
Pea meal.
Bean meal.
Maize or Indian corn meal.
Buckwheat meal.
Meal not otherwise enumerated or described.
Arrowroot.
Barley, pearled.
Biscuit and bread.
Cassava powder.
Maccaroni.
Mandioca flour.
Manna croup.
Potato flour.
Powder, viz., hair.
Powder, perfumed.
Powder not otherwise enumerated or described, that will serve the same purpose as starch.
Rice dust and meal.
Sago.
Semolina.
Starch.
Starch, gum of, torrified or calcined.
Tapioca.
Vermicelli.

PART II.

As to Income Tax, Land Tax, and Inhabited House Duty.

Grant of duties of income tax specified in schedule (B.)

5. There shall be charged, collected, and paid, for the use of Her Majesty, her heirs and successors, the duties of income tax specified in schedule (B.) to this Act; and all the provisions contained in any Act relating to the duties of income tax, and in force on the fifth day of April one thousand eight hundred and sixty-nine, and not repealed by this Act, shall have as full force and effect with respect to the said duties of income tax granted by this Act, so far as the same shall be consistent with the provisions of this Act, as if the same had been herein expressly enacted with reference to the said duties so granted; and for the purposes of this Act the year one thousand eight hundred and sixty-two, mentioned in the forty-third section of the Act passed in the twenty-fifth year of Her Majesty's reign, chapter twenty-two, shall be read as and deemed to mean the year one thousand eight hundred and sixty-nine.

The sums assessed to the income tax under schedules (A.) and (B.) of 16 & 17 Vict. c. 34. for the year 1868 to be taken as the annual value for assessment under this Act.

6. The sum charged as the annual value or amount of any property, profits, or gains in the several and respective assessments of income tax made in pursuance of the Act passed in the thirtieth year of Her Majesty's reign, chapter twenty-three, under schedules (A.) and (B.) respectively of the Act passed in the sixteenth and seventeenth years of Her Majesty's reign, chapter thirty-four, for the year ended on the fifth day of April one thousand eight hundred and sixty-nine, shall (except in cases for which other provision is made by the Acts relating to income tax) be taken as the annual value or amount of such property, profits, or gains respectively for the year commencing on the sixth day of April one thousand eight hundred and sixty-nine; and the duties of income tax granted by this Act and chargeable, under the said schedules respectively, shall be computed, assessed, and charged according to such annual value or amount; and the commissioners executing the income tax Acts shall, for each place within their several and respective districts, cause duplicates of the assessments of the said duties, so computed, assessed, and charged under the said schedules (A.) and (B.) for the said last-mentioned year, to be made out and delivered, together with the warrants for collecting the same; and in England the said commissioners shall appoint such persons, being inhabitants of the place to which the duplicate shall relate, as they the said commissioners shall think fit to be collectors of the duties

A.D. 1869.

thereby charged, in like manner as if such persons had been presented to them by assessors under the Acts now in force: provided always, that the said assessment shall be subject to be increased in like manner as the assessments made for the year ended on the fifth day of April one thousand eight hundred and sixty-nine, and subject also to be abated or discharged at the end of the year commencing on the sixth day of April one thousand eight hundred and sixty-nine, for any cause allowed by the said Acts; provided, that whenever it shall appear that any property, profits, or gains chargeable under the said schedules (A.) and (B.) respectively have not been charged by the assessments made for the year ended on the fifth day of April one thousand eight hundred and sixty-nine, such property, profits, and gains shall be assessed to the duties of income tax granted by this Act under the provisions of the said several Acts applicable thereto.

Assessors not to be appointed for duties under schedules (A.) and (B.)

7. No assessors shall be appointed for the duties payable under the said schedules (A.) and (B.), but the inspectors or surveyors of taxes shall act as assessors in respect of such duties whenever it shall be necessary; and in lieu of the poundage granted by the one hundred and eighty-third section of the Act of the fifth and sixth years of Her Majesty, chapter thirty-five, to be divided between the assessors and collectors in regard to the duties which shall be collected under the said Schedules (A.) and (B.), there shall be paid a poundage of *three halfpence* to the collectors of the said duties.

Repeal of provisions requiring land tax, inhabited house duty, and certain duties of income tax to be paid quarterly.

The same to be payable every year on or before the 1st January.

8. The provisions made by any of the several Acts relating to the land tax or the duties on inhabited houses for the collection and payment of the land tax or the said duties in quarterly payments or instalments are hereby repealed; and the provisions made by any Act relating to the duties of income tax for the collection and payment in quarterly instalments of the said last-mentioned duties, except such as are payable by way of deduction, or are assessable in respect of railways, are also hereby repealed: And the land tax assessed in England for the year from the twenty-fifth day of March one thousand eight hundred and sixty-nine and ending on the twenty-fifth day of March one thousand eight hundred and seventy, and the duties on inhabited houses assessed in England for the year commencing on the sixth day of April one thousand eight hundred and sixty-nine and ending on the fifth day of April one thousand eight hundred and seventy, and the duties of income tax, except such as are payable by way of deduction or are assessable as aforesaid, assessed in England or Ireland for the year commencing and ending as last mentioned, shall be payable on or before the first day of January one thousand eight hundred and seventy; and the land tax, and the duties on inhabited houses, and the duties of income tax (except as aforesaid), in every assessment in England for every year subsequent to the twenty-fifth day of March one thousand eight hundred and seventy, or the fifth day of April one thousand eight hundred and seventy, as the case may be, and the said duties of income tax (except as aforesaid) in assessment in Ireland for every year subsequent to the fifth day of April one thousand eight hundred and seventy, shall be payable on or before the first day of January in each year.

Collectors to pay or account for the duties on the day to be appointed next after the 1st day of January in every year.

9. The collectors of the said land tax and duties shall pay or account for the same to the proper officer for receipt on the day to be appointed for the receipt of the said land tax and duties next after the first day of January in every year.

Schedules delivered at any receipt held after the 1st day of January to have the same force as schedules delivered at the time appointed by 48 Geo. 3. c. 141.

10. Any schedule of arrears of the said land tax or duties delivered at any receipt as aforesaid shall have the like force and effect as if delivered at the time or times appointed by the Act passed in the forty-eighth year of the reign of King George the Third, chapter one hundred and forty-one, for the delivery of such schedules.

PART III.

As to Duty on Fire Insurances.

Repeal of the per-centage duty on fire insurances.

11. On the twenty-fifth day of June one thousand eight hundred and sixty-nine, the stamp duty at the rate of one shilling and sixpence per centum per annum now payable for and in respect of insurances against loss or damage by fire only, shall cease and determine; and the several Acts and parts of Acts specified in the schedule marked (C.) to this Act are hereby repealed, save so far as respects any insurance made or renewed prior to the twenty-fifth day of June one thousand eight hundred and sixty-nine, and as respects any forfeiture or penalty incurred in respect of any offence against any enactment so repealed.

Provision as to return of part of per-centage duty in certain cases.

12. Where any insurance against loss or damage by fire only may have been or shall be made or renewed after the twelfth day of April one thousand eight hundred and sixty-nine, and before the twenty-fifth day of June one thousand eight hundred and sixty-nine, for any period extending beyond the last-mentioned day, so much of the stamp duty at the rate of one shilling and sixpence per centum per annum paid for such insurance as may have been so paid in respect of any time subsequent to the twenty-fourth day of

June one thousand eight hundred and sixty-nine shall, upon proof made of the truth of the facts, be allowed and returned.

Part IV.

As to the Duties on Tea Licences.

Repeal of excise licence for sale of tea, &c.

13. From and after the fifth day of July one thousand eight hundred and sixty-nine, it shall not be necessary for any person trading in or selling coffee, tea, cocoa nuts, chocolate, or pepper, to take out an excise licence for that purpose; and from and after the said day the enactments specified in schedule (D.) to this Act annexed shall be repealed, save as to any duties or penalties that may have been incurred previous thereto.

Provision as to rights of grocers in Ireland.

14. With reference to the fourth section of the Act passed in the sixth year of the reign of King George the Fourth, chapter eighty-one, all persons who shall deal in or sell coffee, tea, cocoa nuts, chocolate, or pepper in Ireland shall have the same rights, and be subject and liable to the same regulations, forfeitures, and penalties, as they would have had and been subject and liable to if this Act had not been passed, and they had been licensed under the said Act to deal in or sell any of the articles aforesaid.

Part V.

As to Assessed Taxes and Excise Licences.

Repeal of certain duties of assessed taxes.

15. The duties of assessed taxes now payable in Great Britain shall cease to be assessed in respect of male servants, carriages, horses, mares, geldings, mules, hair powder, and armorial bearings or ensigns employed, kept, used, or worn respectively after the *fifth day of April one thousand eight hundred and sixty-nine* in England, and after the *twenty-fourth day of May one thousand eight hundred and sixty-nine* in Scotland, and on persons using or exercising the trade and business of horse dealers after such days respectively; but all enactments as to the said duties shall remain in full force and effect as to all assessments of the said duties or any of them made or which ought to be made in England for the year commencing on the sixth day of April one thousand eight hundred and sixty-nine, and in Scotland for the year commencing on the twenty-fifth day of May one thousand eight hundred and sixty-nine, in respect of male servants, carriages, horses, mares, geldings, mules, hair powder, and armorial bearings or ensigns employed, kept, used, or worn respectively after the *fifth day of April one thousand eight hundred and sixty-eight* in England, or after the *twenty-fourth day of May one thousand eight hundred and sixty-eight* in Scotland, and on persons using or exercising the trade and business of horse dealers after such last-mentioned days respectively, and as to any arrears of or penalties incurred in relation to the said duties, or any of them, for any year.

Repeal of certain duties of excise, viz.:

16. On the *first day of January one thousand eight hundred and seventy* the following duties of excise shall cease to be payable, viz.:

Licences to let horses in Great Britain.

The duties upon licences to be taken out by persons who shall let horses for hire in Great Britain;

Licences to let post horses in Ireland.

The duties upon licences to let to hire horses for the purpose of travelling post by the mile or from stage to stage in Ireland;

Hackney carriage licences and duties.

The duties upon licences to keep, use, and let to hire hackney carriages within the limits of the metropolitan police district and the city of London, and also the weekly duties payable in respect of such hackney carriages;

Stage carriage licences and duties.

The duties upon licences to keep, use, and employ stage carriages in Great Britain, and also the mileage duty payable in respect of such stage carriages;

but all enactments as to the said duties respectively shall remain in full force and effect as to any of the said duties which shall be owing or in arrear on the said day, and as to any offences which shall have been committed against any of the said enactments previous thereto.

New duties of excise granted.

17. *On and after the first day of January one thousand eight hundred and seventy there shall be granted, charged, levied, and paid, for the use of Her Majesty, her heirs and successors, in and throughout Great Britain, under and subject to the provisions and regulations in this Act contained, the following duties, that is to say:*

	£	s.	d.
For every male servant	*0*	*15*	*0*
For every carriage—			
If such carriage shall have four or more wheels, and shall be of the weight of four hundredweight or upwards	*2*	*2*	*0*
If such carriage shall have less than four wheels, or, having four or more wheels, shall be of a less weight than four hundredweight	*0*	*15*	*0*
For every horse or mule	*0*	*10*	*6*

	£	s.	d.
For armorial bearings—			
If such armorial bearings shall be painted, marked, or affixed on or to any carriage	*2*	*2*	*0*
If such armorial bearings shall not be so painted, marked, or affixed, but shall be otherwise worn or used	*1*	*1*	*0*
For every horse dealer	*12*	*10*	*0*

And such duties respectively shall be paid annually upon licences to be taken out under the provisions of this Act by the person who shall employ the servant, or shall keep the carriage, or horse or mule, or shall wear or use the armorial bearings, or shall exercise or carry on the trade of a horsedealer.

Duties to be excise duties, and to be under the management of Commissioners of Inland Revenue.

And such duties and licences shall be excise duties and licences, and shall be under the management of the Commissioners of Inland Revenue; and, subject to the provisions of this Act, all the powers, clauses, regulations, and directions contained in any Act relating to excise duties or licences, or to penalties under excise Acts, and now or hereafter in force, shall respectively be of full force and effect with respect to the duties and the licences under this Act and the penalties hereby imposed, so far as the same are applicable and consistent with the provisions of this Act, as fully and effectually as if the same had been herein specially enacted with reference to the said last-mentioned duties, licences, and penalties respectively; and the said licences shall be in such form and shall be granted by such officer as the said Commissioners shall direct, and shall be dated on the day of granting the same, and shall expire on the *thirty-first day of December* then next following.

Provisions and regulations to be observed.

18. The provisions and regulations contained in this section shall be observed, viz.:

(1.) It shall not be necessary for any member of the Royal Family to make any declaration or to take out any licence under this Act, nor shall it be necessary for the sheriff of any county, or mayor or other officer in any corporation or royal burgh serving an annual office therein, to take out a licence for any servants, carriages, or horses employed or kept by him for the purposes of his office during his year of service, nor for any person who shall by right of office wear or use any of the arms or insignia of any member of the Royal Family, or of any corporation or royal burgh, to take out a licence in respect of the use of such arms or insignia:

(2.) It shall not be necessary for any person ordinarily residing in Ireland, and being a representative peer on the part of

Ireland or a member of the House of Commons, and not residing in Great Britain longer than during the session of Parliament, and *forty days* before and *forty days* after the session, or for any person ordinarily residing in Ireland and residing in Great Britain by the order or direction of the Lord Lieutenant for the time being or of his chief secretary, for the purpose of public business, to make any declaration or to take out any licence under this Act in respect of any servants, carriages, horses or mules, or armorial bearings employed, kept, or used by him, save in respect of any subject matter of duty which shall be employed, kept, or used by such person in Great Britain during his residence in Ireland.

As to Male Servants.

(3.) The term "male servant" means and includes any male servant employed either wholly or partially in any of the following capacities; that is to say, maître d'hôtel, house steward, master of the horse, groom of the chambers, valet de chambre, butler, under butler, clerk of the kitchen, confectioner, cook, house porter, footman, page, waiter, coachman, groom, postilion, stable boy or helper in the stables, gardener, under gardener, park keeper, gamekeeper, under gamekeeper, or game watcher, huntsman, and whipper-in, or in any capacity involving the duties of any of the above descriptions of servants, by whatever style the person acting in such capacity may be called:

(4.) Every person who shall furnish any male servant on hire shall, for the purposes of this Act, be deemed to be the employer of such servant:

(5.) It shall not be necessary for licences to be taken out in the following cases, viz.;

By any officer in Her Majesty's army or navy for any servant, being a soldier in the army or a person actually borne upon the books of a ship, and employed by such officer in accordance with the regulations of Her Majesty's service:

By any licensed retailer of exciseable liquors or licensed keeper of a refreshment house for any servant employed by him solely for the purposes of his business, such servant being the only male servant employed by him:

By any person who shall have made entry of his premises in accordance with section twenty-seven of this Act for any servant employed by him at such premises in the course of his trade; provided that such person shall have complied with all the provisions contained in the said section.

By any person duly licensed by proper authority to keep or use any public stage or hackney carriage for any servant necessarily employed by him in the care of such stage or hackney carriage or of the horse or horses kept and used by him to draw the same.

As to Carriages.

(6.) The term "carriage" means and includes any vehicle drawn by a horse or mule, or horses or mules, except a waggon, cart, or other vehicle used solely for the conveyance of any goods or burden in the course of trade or husbandry, and whereon the christian name and surname and place of abode or place of business of the owner or the name or style and principal or only place of business of the company or firm owning the same shall be visibly and legibly painted in letters of not less than one inch in length.

(7.) Every person who shall let any carriage for hire shall, for the purposes of this Act, be deemed to be the person keeping such carriage.

As to Horses and Mules.

(8.) The term "horse" means and includes a horse or pony of any sex or description or age, except a foal, colt, or filly which shall never have been used for any purpose of draught or riding; and the term "mule" includes only such mule as shall have been at any time used for any purpose of draught or riding.

(9.) Every person who shall let any horse or mule for hire shall, for the purposes of this Act, be deemed to be the person keeping the same.

(10.) Any field officer not being commandant, and any adjutant of a volunteer corps, and any person serving in any corps of yeomanry or volunteer cavalry or providing a horse for any other person so serving who shall be returned in the manner required by law as effective, shall be entitled after the expiration of any year to repayment of the duty paid by him for any licence in respect of any horse used on the several days of muster and exercise of such corps in such year; provided that a certificate as by law in that behalf prescribed shall be delivered of such effective service.

(11.) Any field officer, adjutant, or surgeon of a regiment of militia who shall be returned in the manner required by

A.D. 1869.

law as effective shall be entitled after the expiration of any year to repayment of the duty paid for a licence in respect of any horse used on the several days when the regiment was called out for training and exercise in such year; provided that any application for repayment shall be accompanied by a certificate duly signed in the following form:

'I , commanding officer of the 'regiment of militia, do hereby certify that was 'a commissioned and serving in the said 'regiment as an effective member thereof, and that he 'kept one horse for the service of the militia in the year 'ended on the thirty-first day of December one thousand 'eight hundred and .'

(12.) It shall not be necessary for licences to be taken out in the following cases; viz.

By any officer serving in any of Her Majesty's regular forces for any horse or horses required by the regulations of the service to be kept by him;

By any effective officer commanding a volunteer corps for any number of horses not exceeding two kept by such officer for service in such corps;

By any person for any horse or mule kept by him solely for the purpose of husbandry or use in his business of a market gardener, and which shall not be used for riding or for drawing any carriage for the keeping or using of which a licence is required by this Act;

By any person for any horse or mule used solely by him in any underground mine;

By any horsedealer duly licensed under this Act for any horse or mule, being his property and kept on his premises for sale, and which shall not be let for hire;

By any person for any horse for which duty has been previously paid as a race horse for the same year.

As to Armorial Bearings.

(13.) "Armorial bearings" means and includes any armorial bearing, crest, or ensign, by whatever name the same shall be called, and whether such armorial bearing, crest, or ensign shall be registered in the College of Arms or not.

(14.) Any person who shall keep any carriage, whether owned or hired by him, shall be deemed to wear and use any armorial bearings painted or marked thereon or affixed thereto.

A.D. 1869.

(15.) It shall not be necessary for a licence to be taken out by any person duly licensed by proper authority to keep or use any public stage or hackney carriage for any armorial bearings painted or marked on such stage or hackney carriage.

Notice to be affixed on or near the church door as to duties and declarations under this Act.

19. On or before the first day of January one thousand eight hundred and seventy, and on or before the first day of January in every subsequent year, the said Commissioners shall cause to be placed upon or near to the door of every church in Great Britain a printed or written notice setting forth the duties payable upon licences required to be taken out under this Act, and stating from whom forms of declaration under this Act can be obtained by persons residing within the parish in which the church is situated, and to whom the declarations when filled up and signed are to be delivered, and the duties paid, and by whom the licences are to be granted, and every such notice shall be kept affixed upon or near to the door of such church for such time as the said Commissioners shall direct; provided that the liability of any person to fill up, sign, and deliver any declaration, or to pay duties and take out licences, shall not be affected, nor shall any proceeding of any kind nor any act done by any person in pursuance of this Act be deemed to be invalid or unlawful, by reason of such notice not having been placed or kept affixed as aforesaid.

Commissioners to provide forms of declaration.

20. The said Commissioners shall cause to be prepared and issued to every person applying for the same such forms of declarations and books of account as may be required for carrying out the purposes of this Act.

Persons keeping servants, &c. to make declarations.

21. Every person employing any male servant, or keeping any carriage, horse, or mule, or wearing or using any armorial bearings, or exercising or carrying on the trade of a horsedealer, shall fill up and sign a declaration in which shall be stated the following particulars; viz.,

The number of male servants employed by him, and in what capacity:

The number and description of carriages kept by him, and the number of wheels of each carriage, and also whether any carriage having four or more wheels shall weigh less than four hundredweight:

The number of horses and mules kept by him:

Whether he wears or uses armorial bearings, and, if so, whether the same are painted, marked, or affixed on any carriage kept by him:

And whether any servant or carriage, or horse or mule, kept or used by him is hired, and, if so, the name and address of the person from whom he shall have hired the same:

And, if he exercises or carries on the trade of a horsedealer, state at what place or places, and the number of horses and mules kept by him otherwise than for sale:

And also such further particulars as the said Commissioners may, by the form of declaration, require to be therein stated.

And if a licence is unnecessary in respect of any of the above particulars under the provisions and regulations of this Act, the declaration shall contain a further statement showing—

In what respect, and upon what ground, the licence is unnecessary.

And such person shall deliver the declaration, so filled up and signed by him, to the officer appointed to grant licences, before the expiration of the month of *January* in each year, or before the expiration of *twenty-one* days from the day of his commencing to employ any servant, or to keep or use any carriage, horse, or mule, or to wear or use any armorial bearings, or to exercise or carry on the trade of a horsedealer, and he shall, at the time of delivering such declaration, pay to the said officer the duties which shall thereby appear to be chargeable.

Additional declaration to be made, and further duties paid when required.

22. Whenever any person who shall have delivered a declaration under the preceding section shall become liable to further duties by reason of his employing a greater number of male servants, or keeping a greater number of carriages, horses, or mules, than he shall have returned in such declaration, or by reason of any change in the description or character of any carriage kept by him, or in the mode of wearing or using armorial bearings, he shall fill up and sign an additional declaration, specifying, with reference to such liability, the particulars required by the said preceding section, and shall deliver such additional declaration so filled up and signed, and pay such further duties as by such last-mentioned declaration shall appear to be payable by him to the officer appointed to grant licences before the expiration of *twenty-one* days from the day of his becoming so liable as aforesaid: provided that when payment shall be made of further duty by reason of any change in the description or character of any carriage, or in the mode of wearing or using armorial bearings, the duty already paid in respect of the carriage or armorial bearings shall be allowed and deducted from such payment.

A.D. 1869.

Special notice requiring declaration may be served on any person.

23. The said commissioners may direct a special notice to be served upon any person, requiring such person to fill up, sign, and deliver to the officer named in such notice a declaration stating whether such person is liable to the payment of any of the duties imposed by this Act or not, and (where such person shall be so liable) to state in such declaration the particulars required by section twenty-one of this Act, so far as the same shall be applicable, and to pay the duties with which he shall thereby appear to be chargeable to the officer appointed to grant licences within *fourteen days* from the date specified for that purpose in the special notice.

Penalty for neglect to deliver declaration, or for delivering an untrue declaration.

24. Every person who shall neglect or refuse to deliver any declaration in conformity with the provisions of this Act, and every person who shall deliver a declaration wherein the particulars required by this Act to be therein set forth shall not be fully and truly stated, shall forfeit the penalty of *twenty pounds*, and that over and above any duties to which he may be liable.

Licences to be granted for duties paid.

25. Any officer appointed to grant licences shall grant and deliver to every person who shall pay any duties to such officer a licence under this Act, in which licence shall be specified the particulars of the duties paid, the year for which the duties shall be paid, with any other particulars the said commissioners may direct; and no licence shall be granted except upon payment of the full duties imposed by this Act, nor shall any licence granted under this Act be transferred to any person other than the widow of the person to whom such licence shall have been originally granted, or to his executors or administrators, or to his assignees in bankruptcy.

Penalty for not taking out licence.

26. Every person who shall employ any male servant, or keep any carriage, horse, or mule, or wear or use any armorial bearings, or exercise or carry on the trade of a horsedealer, without having first obtained a proper licence under this Act, and every person who shall employ a greater number of male servants, or shall keep a greater number of carriages, horses, or mules, than he shall be authorized to employ or keep by any licence granted under this Act, or shall wear or use armorial bearings otherwise than as authorized by any such licence, shall forfeit the penalty of *twenty pounds* over and above any other penalty to which such person may be liable; provided that such penalty shall not be recoverable where the defendant in any proceeding for the recovery of the same shall prove to the satisfaction of the justices before whom such proceeding shall be depending that he had delivered a declaration, and paid the proper duties, and obtained a proper licence, within the time prescribed by this Act;

Penalty not recoverable where duties are paid within time prescribed.

provided also, that if in any proceeding for recovery of the said penalty any question shall arise as to the number of servants employed, or the number of carriages, horses, or mules kept or used, or the weight of any carriage kept or used, by the defendant, or whether the defendant was entitled to any exemption from licence under the provisions and regulations contained in this Act, the burden of proving the number or weight, or right to exemption, as the case may be, shall lie upon the defendant.

Persons who carry on certain trades may enter their premises, and shall then paint their names, &c. thereon.

27. Every person who exercises or carries on the trade of a horse-dealer or of a livery stable keeper, or who lets any horse for hire, or who keeps any horse to be used for drawing any public stage or hackney carriage, may, if he shall think fit, deliver to an officer of inland revenue acting in the parish or place in which his premises are situated, an entry in writing, signed by such person, containing a description of the premises and of the purpose for which it is intended to use them; and every person who shall have delivered any such entry shall cause to be legibly painted upon some conspicuous part of the premises so entered, or upon a board affixed thereto, his christian name and surname, with the addition of such other words as shall denote the particular trade or business, or trades or businesses (if more than one), carried on by him; and such person shall also allow any officer of inland revenue at any reasonable time to inspect the entered premises; and if any person who shall have delivered any such entry as aforesaid shall neglect to comply with the provisions of this section, or any of them, he shall forfeit a penalty of *twenty pounds.*

Livery stable keepers and other persons to keep books of account containing certain particulars.

28. Every livery stable keeper shall from time to time enter in a book an account of every carriage, horse, and mule standing at livery or otherwise on his premises, with the christian name and surname and place of abode of the person to whom such carriage, horse, or mule shall belong. And every person who shall furnish any servant on hire, or let any carriage, horse, or mule for hire to be kept away from his premises, shall from time to time enter in a book an account of every such servant, carriage, horse, or mule, with the name of such servant, the number of wheels of such carriage, and the name and address of the person hiring such servant, carriage, horse, or mule; and all such books shall at all reasonable times in the day time be open to the inspection of any officer of inland revenue, who shall have power to make any extract therefrom; and any person who shall neglect or refuse to do any act or thing required to be done by this section, or who shall prevent or obstruct any officer of inland revenue in the exercise of any

A.D. 1869.

duty or power imposed upon or vested in him by this section shall forfeit the penalty of *twenty pounds.*

Recovery of duties.

29. If any person who shall have delivered any declaration under this Act shall not within the time prescribed in that behalf have paid the duties appearing by such declaration to be payable by him, the officer of inland revenue acting in the parish or place wherein he shall reside or shall carry on business shall serve such person with a notice, requiring him, within seven days from the date thereof, to pay the duties according to such declaration; and upon neglect or refusal to pay such duties it shall be lawful for the collector of inland revenue within whose collection the parish or place in which such person shall reside or carry on business shall be situated, upon receiving from the said officer a certificate of such neglect or refusal, to issue his warrant to any officer of inland revenue to distrain such person by his goods and chattels; and such warrant shall have the same force and effect as the levy warrant referred to in the Excise Act of the seventh and eighth years of King George the Fourth, chapter fifty-three, section eighty-nine, and the distress so taken shall be kept for the space of four days at the costs and charges of the person so distrained; and if the said person shall not pay the duties, together with the costs and charges within the said four days, then the distress shall be sold and the proceeds of sale shall be applied in satisfaction of the duties and the costs and charges of taking, keeping, and selling the said distress, and the surplus (if any) shall be handed over to the person distrained; and where for the purpose of distraining it shall be necessary to break open the door of any house the officer shall distrain in the presence of a police or other constable; and where no sufficient distress can or may be found, then and in every such case any two of the said commissioners are hereby authorized by warrant under their hands to commit the defaulter to the common gaol or house of correction for the place where such defaulter shall be arrested, there to be kept until payment shall be made or he shall be released by order of the said commissioners; and any warrant of distress or commitment issued by virtue of this Act may be in the form given in schedule (F.) to this Act, and may be executed in any part of the United Kingdom.

Assignee to pay duties owing by bankrupt.

30. When any person against whom a warrant of distress shall have been issued as directed in the preceding section shall be or shall have become bankrupt, so that a levy upon his goods and chattels cannot be made, the assignee, or other person in whom the estate of the said bankrupt shall be vested by operation of law, shall, out of any moneys that may be in or come to his hands in respect of the bankrupt's estate, pay to the said commissioners, for the use of Her Majesty, the amount of duties for which the said warrant of distress shall have been issued.

What shall be service of notice and summons.

31. Every notice to be served under the provisions of this Act, and every summons upon any information for recovery of a penalty imposed by this Act, may be served personally or left at the usual or last known place of abode of the person to be served.

Licences to be produced when required.

Penalty.

32. If any person who shall have taken out a licence or licences under this Act shall not produce and deliver such licence or licences to be examined and read by any officer of inland revenue within a reasonable time after such officer shall request the production of the same, he shall forfeit the penalty of *five pounds.*

Commissioners to repay one fourth part of the amount paid for post horse licences.

33. The said Commissioners shall, on or after the *first day of January one thousand eight hundred and seventy*, repay to any person who shall have taken out a licence to let horses for hire in Great Britain expiring on the *fifth day of April one thousand eight hundred and seventy* a sum of money equal to one fourth part of the annual amount payable in respect of such licence.

Stage carriage licences expiring on first Sunday in November 1869 to continue in force until 31st December following.

34. Whereas certain licences to keep, use, and employ stage carriages will, under the laws now in force, expire on the first Sunday in the month of November one thousand eight hundred and sixty-nine: Be it enacted, that all such licences shall continue in force until the *thirty-first day of December* then next following; and the holders of such licences shall respectively be liable to and chargeable with the payment of the same rate and amount of duties as are chargeable upon them according to the terms of such licences until and inclusive of the said *thirty-first day of December.*

Provision as to duty to be paid on hackney carriages in the last week of the year.

35. Whereas the duty in respect of hackney carriages licensed within the metropolitan police district is a weekly duty and imposed by the week, including and ending on a Sunday, and the said duty is by this Act to cease on Saturday the *first day of January one thousand eight hundred and seventy:* Be it enacted, that the duty payable in respect of every such hackney carriage for the week commencing on Monday the *twenty-seventh day of December* next shall be the sum of *five shillings.*

Provision as to certain shepherds' dogs with reference to 30 Vict. c. 5.

36. In the case of a person following the calling and occupation of a shepherd, and keeping a dog solely for the purpose or in the exercise of such calling and occupation, the hirer or employer of the shepherd shall, so far as respects the liability to the duty

A.D. 1869.

imposed by the Act of the thirtieth Victoria, chapter five, be deemed to be the person keeping such dog: Provided always, that the licence for any such dog shall be granted in the name of the shepherd, who shall after the granting thereof be deemed to be the person licensed to keep the dog within the meaning of the said Act.

Repeal of enactments in schedule (E.)

37. The several Acts and parts of Acts specified in schedule (E.) to this Act are hereby repealed, save as mentioned in the fifteenth and sixteenth sections of this Act.

SCHEDULE (A.)

Containing the Duties of Customs granted by this Act.

Continuation of duty on tea.

The duties of customs now charged on tea shall continue to be levied and charged,—

On and after the first day of August one thousand eight hundred and sixty-nine until the first day of August one thousand eight hundred and seventy, on the importation thereof into Great Britain and Ireland, that is to say,

Tea - - - - - the lb. *6d.*

Alteration of duties on beer, &c.

In lieu of the duties of customs now chargeable on beer and ale as denominated in the tariff, on importation into Great Britain and Ireland, the following duties shall on and after the day of one thousand eight hundred and sixty-nine, be charged, that is to say:

	£	s.	d.
Beer and ale, namely,			
Mum, the barrel of thirty-six gallons - - -	*1*	*1*	*0*
Spruce, the worts of which were, before fermentation, of a specific gravity not exceeding one thousand one hundred and ninety degrees, the barrel of thirty-six gallons - - -	*1*	*1*	*0*
Exceeding one thousand one hundred and ninety degrees, the barrel of thirty-six gallons - -	*1*	*4*	*0*
Of other sorts, viz.			
Beer, the worts of which were, before fermentation, of a specific gravity not exceeding one thousand and sixty-five degrees, the barrel of thirty-six gallons	*0*	*8*	*0*
Exceeding one thousand and sixty-five degrees, and not exceeding one thousand and ninety degrees, the barrel of thirty-six gallons - - -	*0*	*11*	*0*
Exceeding one thousand and ninety degrees, the barrel of thirty-six gallons - - -	*0*	*16*	*0*

And in charging the above rates of duty upon the importation of beer, the specific gravity of the worts from which the same was made shall be ascertained and determined in the manner prescribed by the sixteenth section of the Act of the nineteenth and twentieth Victoria, chapter thirty-four, for ascertaining and determining the rates of drawback on the exportation of beer.

A.D. 1869.

SCHEDULE (B.)

Containing the Duties of Income Tax granted by this Act.

For one year commencing on the sixth day of April one thousand eight hundred and sixty-nine, for and in respect of all property, profits, and gains mentioned or described as chargeable in the Act passed in the sixteenth and seventeenth years of Her Majesty's reign, chapter thirty-four, for granting to Her Majesty duties on profits arising from property, professions, trades, and offices, the following duties shall be charged; (that is to say,)

For every twenty shillings of the annual value or amount of all such property, profits, and gains (except those chargeable under schedule (B.) of the said Act) the duty of *sixpence*:

And for and in respect of the occupation of lands, tenements, hereditaments, and heritages chargeable under schedule (B.) of the said Act, for every twenty shillings of the annual value thereof,

In England the duty of *threepence*;

And in Scotland and Ireland respectively, the duty of *twopence farthing*:

Subject to the provisions contained in section three of the Act twenty-sixth Victoria, chapter twenty-two, for the exemption of persons whose whole income from every source is under one hundred pounds a year, and relief of those whose income is under two hundred pounds a year.

SCHEDULE (C.)

Containing the Enactments in relation to Fire Insurance repealed by this Act.

Session and Chapter.	Title or abbreviated Title.	Extent of Repeal.
22 Geo. 3. c. 48. -	An Act for charging a duty on persons whose property shall be insured against loss by fire.	The whole Act.
26 Geo. 3. c. 82. -	An Act for the more effectually carrying into execution the laws relating to the duties on stamped vellum, &c.	Section 9.

Session and Chapter.	Title or abbreviated Title.	Extent of Repeal.
50 Geo. 3. c. 35.	An Act for altering the mode of collecting the duty on insurances against loss by fire upon property in His Majesty's islands and possessions in the West Indies, &c.	Sections from 1 to 10, both inclusive.
55 Geo. 3. c. 101.	An Act to regulate the collection of stamp duties on matters in respect of which licences may be granted by the commissioners of stamps in Ireland.	Sections from 14 to 27, both inclusive.
55 Geo. 3. c. 184.	An Act for repealing the stamp duties on deeds, &c.	Sections from 32 to 36, both inclusive.
9 Geo. 4. c. 13.	An Act for further regulating the payment of the duties under the management of the commissioners of stamps on insurances from loss or damage by fire.	The whole Act.
3 & 4 Will. 4. c. 23.	An Act to reduce the stamp duties on advertisements, &c.	Section 6.
5 & 6 Vict. c. 79.	An Act to repeal the duties payable on stage carriages, &c.	Section 20.
13 & 14 Vict. c. 97.	An Act to repeal certain stamp duties, &c.	Section 19.
19 Vict. c. 22.	An Act to amend the laws relating to the duties on fire insurances.	So far as it relates to the duty on fire insurances repealed by this Act.
27 Vict. c. 18.	An Act to grant certain duties of customs and inland revenue.	Sections 9 and 10.

SCHEDULE (D.)

CONTAINING the ENACTMENTS in relation to LICENCES to sell Coffee, Tea, Cocoa Nuts, Chocolate, and Pepper, repealed by this Act.

Session and Chapter.	Title or abbreviated Title.	Extent of Repeal.
10 Geo. 1. c. 10.	An Act for repealing certain duties therein mentioned payable upon coffee, tea, &c.	Sections 9, 10, 14, and 41.
59 Geo. 3. c. 53.	An Act for granting to His Majesty certain additional duties of excise on tea, coffee, &c.	The whole Act.
24 & 25 Vict. c. 21.	An Act for granting to Her Majesty certain duties of excise and stamps.	Section 8.
27 Vict. c. 18.	An Act to grant certain duties of customs and inland revenue.	Sections 6 and 7, and so much of schedule B. as relates to licences to sell tea.

SCHEDULE (E.)

CONTAINING the ENACTMENTS in relation to ASSESSED TAXES and EXCISE DUTIES repealed by this Act.

Session and Chapter.	Title or abbreviated Title.	Extent of Repeal.
50 Geo. 3. c. 104. -	An Act for altering the amount of certain duties of assessed taxes, &c. &c.	The whole Act.
51 Geo. 3. c. 72. -	An Act for granting exemptions in certain cases from the payment of the duties charged in respect of servants, &c. &c.	The whole Act.
52 Geo. 3. c. 93. -	An Act for granting to His Majesty certain new and additional duties of assessed taxes, &c.	The whole Act.
54 Geo. 3. c. 141. -	An Act to alter so much of an Act made in the fifty-second year of His present Majesty as relates to the duties payable in respect of killing game.	The whole Act.
55 Geo. 3. c. 19. -	An Act to grant certain duties of excise, &c. &c.	So much of the schedule (A.) as relates to a duty on "any licence "to any person to let "to hire any horse for "the purpose of travelling post by the "mile or from stage "to stage."
56 Geo. 3. c. 66. -	An Act for reducing the duties payable on horses used for the purposes therein mentioned for two years, &c.	The whole Act.
58 Geo. 3. c. 16. -	An Act to continue until the fifth day of April one thousand eight hundred and nineteen and amend an Act of the fifty-sixth year of His present Majesty for reducing the duties payable on horses used for the purposes therein mentioned.	The whole Act.
58 Geo. 3. c. 17. -	An Act for charging certain duties on four-wheeled carriages constructed and drawn in the manner therein described.	The whole Act.
59 Geo. 3. c. 13. -	An Act to continue two Acts of the fifty-sixth and fifty-eighth years of His present Majesty for reducing the duties payable on horses used for the purposes therein mentioned, &c. &c.	The whole Act.
59 Geo. 3. c. 51. -	An Act to relieve persons compounding for their assessed taxes from an annual assessment for the term of three years.	The whole Act.
59 Geo. 3. c. 118. -	An Act to give relief in certain cases of assessments of taxes in Great Britain, &c. &c.	The whole Act.

Session and Chapter.	Title or abbreviated Title.	Extent of Repeal.
1 Geo. 4. c. 73.	An Act to extend the period allowed to persons compounding for their assessed taxes, &c.	The whole Act.
1 & 2 Geo. 4. c. 20.	An Act to continue until the fifth day of April one thousand eight hundred and twenty-three several Acts of His late Majesty for reducing the duties payable on horses used for the purposes therein mentioned.	The whole Act.
1 & 2 Geo. 4. c. 110.	An Act for repealing the duties imposed on husbandry horses, &c. &c.	The whole Act.
1 & 2 Geo. 4. c. 113.	An Act to continue several Acts for the relief of persons compounding for assessed taxes, &c., &c.	The whole Act, except sections 34 and 35.
3 Geo. 4. c. 50.	An Act to extend the period allowed to persons compounding for their assessed taxes, &c.	The whole Act.
4 Geo. 4. c. 45.	An Act for allowing persons to compound for their assessed taxes, &c. &c.	The whole Act.
5 Geo. 4. c. 44.	An Act for allowing persons to compound for their assessed taxes, &c.	The whole Act, except section 4.
6 Geo. 4. c. 7.	An Act for the further repeal of certain duties of assessed taxes, &c.	The whole Act, except sections 2, 3, 6, 7, 9, and 11.
7 Geo. 4. c. 22.	An Act to enable persons to continue their compositions for assessed taxes, &c. &c.	The whole Act.
10 Geo. 4. c. 21.	An Act to continue compositions for the assessed taxes for a further term of one year.	The whole Act.
1 Will. 4. c. 35.	An Act to continue compositions for assessed taxes for a further term of one year, &c.	The whole Act.
1 & 2 Will. 4. c. 7.	An Act to continue compositions for assessed taxes until the fifth day of April one thousand eight hundred and thirty-three, and to grant relief in certain cases.	The whole Act.
1 & 2 Will. 4. c. 22.	An Act to amend the laws relating to hackney carriages, &c. &c.	Sections 2 and 3, 5 to 17 both inclusive, 19 to 25 both inclusive, 30 to 33 both inclusive, 49, 58, and 61. The whole of schedules (A.), (B.), (C.), and form No. 1. in schedule D.
2 & 3 Will. 4. c. 82.	An Act to reduce the duties now payable in certain cases on carriages with less than four wheels.	The whole Act.

Session and Chapter.	Title or abbreviated Title.	Extent of Repeal.
2 & 3 Will. 4. c. 113. -	An Act to continue until the fifth day of April one thousand eight hundred and thirty-four compositions for the assessed taxes, &c.	The whole Act, except section 3.
2 & 3 Will. 4. c. 120.	An Act to repeal the duties under the management of the Commissioners of stamps on stage carriages and on horses let for hire in Great Britain, and to grant other duties in lieu thereof, &c.	Sections 2 to 5 both inclusive, 8 to 34 both inclusive, 50 to 100 both inclusive, the whole of schedule (A.), and forms Nos. 1, 2, 3, 4, and 5 in schedule (B.)
3 & 4 Will. 4. c. 34. -	An Act to continue until the fifth day of April one thousand eight hundred and thirty-five compositions for the assessed taxes.	The whole Act.
3 & 4 Will. 4. c. 39. -	An Act to reduce certain of the duties on dwelling houses, and to repeal other duties of assessed taxes.	The whole Act.
4 & 5 Will. 4. c. 54. -	An Act to continue for five years from the fifth day of April one thousand eight hundred and thirty-five and to amend the Acts for authorizing a composition for assessed taxes.	The whole Act.
4 & 5 Will. 4. c. 73. -	An Act to grant relief from the duties of assessed taxes in certain cases.	The whole Act, except section 2.
5 & 6 Will. 4. c. 64. -	An Act to alter certain duties of stamps and assessed taxes, &c.	The whole Act, except sections 1 to 8 both inclusive, and sections 10 to 13 both inclusive.
6 & 7 Will. 4. c. 45. -	An Act to transfer the collection and management of the duties in Great Britain on horses let for hire, &c. from the Commissioners of Stamps and Taxes to the Commissioners of Excise.	The whole Act.
6 & 7 Will. 4. c. 65. -	An Act for granting relief from the duties of assessed taxes, &c. &c.	The whole Act, except sections 9 to 12 both inclusive.
2 & 3 Vict. c. 35. -	An Act to contiuue for one year compositions for assessed taxes, &c. &c.	The whole Act.
2 & 3 Vict. c. 66. -	An Act to reduce certain of the duties now payable on stage carriages.	The whole Act.
3 & 4 Vict. c. 38. -	An Act to continue compositions for assessed taxes until the fifth day of April one thousand eight hundred and forty-two.	The whole Act.

Session and Chapter.	Title or abbreviated Title.	Extent of Repeal.
4 & 5 Vict. c. 26.	An Act to continue compositions for assessed taxes until the fifth day of April one thousand eight hundred and forty-three.	The whole Act.
5 & 6 Vict. c. 79.	An Act to repeal the duties payable on stage carriages, and on passengers conveyed upon railways, &c. &c.	Sections 8 to 12, both inclusive, and so much of the schedule as relates to the duties on stage carriages and passengers conveyed upon railways.
6 & 7 Vict. c. 86.	An Act for regulating hackney and stage carriages in and near London.	Section 26.
8 & 9 Vict. c. 36.	An Act to continue for five years and to amend the Acts for authorizing a composition for assessed taxes.	The whole Act.
13 & 14 Vict. c. 96.	An Act to continue and amend the Acts for authorizing a composition for assessed taxes.	The whole Act.
14 & 15 Vict. c. 33.	An Act to enlarge the period allowed for compounding for assessed taxes.	The whole Act.
16 & 17 Vict. c. 88.	An Act to repeal the duties payable in respect of horses let for hire, and to grant new duties on licences to let horses for hire.	The whole Act.
16 & 17 Vict. c. 90.	An Act to repeal certain duties of assessed taxes, and to grant other duties of the same description, &c.	The whole Act, except seection 8.
16 & 17 Vict. c. 127.	An Act to reduce the duties payable in respect of hackney carriages used in the metropolis, &c. &c.	The whole Act, except sections 13 to 17, both inclusive.
17 Vict. c. 1.	An Act to explain and amend an Act of the last session relating to the duties of assessed taxes, &c.	The whole Act, except section 5.
18 & 19 Vict. c. 78.	An Act to reduce certain duties payable on stage carriages, &c.	Sections 1, 2, and 3.
23 & 24 Vict. c. 113.	An Act to grant duties of excise on chicory, &c. &c.	Section 38.
26 & 27 Vict. c. 33.	An Act for granting to Her Majesty certain duties of inland revenue, and to amend the laws relating to the inland revenue.	Sections 6 to 12, both inclusive.
29 Vict. c. 36.	An Act to grant, alter, and repeal certain duties of customs and inland revenue, &c.	The whole of schedule (B.)
29 & 30 Vict. c. 64.	An Act to amend the laws relating to the inland revenue.	Section 10.

SCHEDULE (F.)

A Schedule of Forms.

Form of Levy Warrant for Recovery of Duties.

Collection of inland revenue. } To and officers of inland revenue, or either of them.

Whereas it has been certified to me that *A.B.* of has made default in payment of the sum of pounds shillings and pence, being the amount due and owing from the said *A.B.* in respect of certain duties of excise imposed by the Act [*insert number of this Act*]. Now I, the undersigned, being the collector of inland revenue for the collection mentioned in the margin (within which collection the said *A.B.* resides or carries on business), do, by this warrant under my hand, in Her Majesty's name, authorize and empower you, the above-named officers, or either of you, to distrain the said *A.B.* by his goods and chattels, wherever the same may be found in the United Kingdom, and to levy thereon the said sum so due and owing, together with all reasonable charges and expenses attending such levy; and if the said sum, with the charges and expenses, shall not be paid within the space of four days next after the day of making such levy, then to sell and dispose of so much thereof as shall be sufficient to levy the said sum, together with the reasonable charges and expenses attending the taking, keeping, and selling of such goods and chattels; and if, after deducting the said sum, charges, and expenses, any surplus shall remain, then to return the same to the person distrained.

Given under my hand at in the county of this day of in the year of our Lord one thousand eight hundred and .

Collector of inland revenue.

To be indorsed upon back of Levy Warrant.

The return of , being one of the officers of inland revenue to whom the within warrant is directed.

I hereby certify to the Commissioners of Inland Revenue that I cannot find any goods or chattels of the within-named *A.B.* whereon the within-mentioned duties can be levied [*or* that I have seized and sold divers goods and chattels, and have levied the sum of pounds shillings and pence, and that the charges and expenses attending the taking, keeping, and selling such goods and chattels amounted to pounds shillings and pence, leaving the sum of pounds shillings and pence due and owing to Her Majesty].

Dated the day of one thousand eight hundred and .

Officer of inland revenue.

Form of a Warrant of Commitment for Want of a sufficient Distress.

To *C.D.* and *E.F.*, officers of inland revenue or to either of them, and to the keeper of the common gaol or house of correction for the place where the person herein-after directed to be apprehended shall be found.

Whereas a certain levy warrant was, on the day of 18 , issued by the collector of inland revenue for the collection to certain officers of inland revenue for the recovery of the sum of pounds shillings and pence, being the amount of certain duties of excise imposed by the Act [*insert number of this Act*], and due and owing from one *A.B.*: And whereas it appears by a return made by one of the said officers upon the back of the said levy warrant that no sufficient distress of the goods and chattels of the said *A.B.* can be found whereon to levy the said sum, with the costs and charges referred to in the said warrant: And whereas it appears that the said sum, costs, and charges amount together to pounds shillings and pence, whereof has been recovered.

Now we, the undersigned, being two of the Commissioners of Inland Revenue, do, by virtue of the power given to us by the said Act, authorize and empower you the said *C.D.* and *E.F.*, or either of you, to apprehend the said *A.B.* wherever he shall be in the United Kingdom, and him safely to convey to the common gaol or house of correction for the place where the said *A.B.* shall be apprehended, and there to deliver him to the keeper of such gaol or house of correction together with this warrant; and we do hereby command you the said keeper to receive the said *A.B.* into your custody in the said gaol or house of correction, and him therein safely to keep until he shall pay the said sum of pounds shillings and pence, or until he shall be ordered by the Commissioners of Inland Revenue to be discharged.

Given under our hands at the Inland Revenue Office at Somerset House, in the city of Westminster, this day of one thousand eight hundred and

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Customs and Inland Revenue Duties.

A

B I L L

To grant certain Duties of Customs and Inland Revenue, and to repeal and alter other Duties of Customs and Inland Revenue.

(Prepared and brought in by
Mr. Dodson, Mr. Chancellor of the Exchequer,
and Mr. Ayrton.)

Ordered, by The House of Commons, *to be Printed,*
23 *April* 1869.

[Bill 95.]

Under 4 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Grant certain Duties of Customs and Inland Revenue, and to repeal and alter other Duties of Customs and Inland Revenue.

A.D. 1869.

Most gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.

As to Customs.

Grants of duties of customs in schedule (A.)

1. There shall be charged, collected, and paid, for the use of Her Majesty, her heirs and successors, the duties of customs specified in schedule (A.) to this Act; and all the provisions contained in any Act relating to customs duties, and in force at the time of the passing of this Act, shall have as full force and effect with respect to the said duties of customs granted by this Act, so far as the same are applicable, as if the same had been herein expressly enacted with reference to the said duties so granted.

Eau de Cologne charged per gallon instead of per flask.

2. The duty of customs upon all Cologne water on the importation thereof into Great Britain and Ireland shall be charged at the rate of fourteen shillings per gallon, whether imported in flasks or otherwise.

Extracts of malt admissible in transit, &c.

3. From and after the passing of this Act it shall be lawful to import into Great Britain and Ireland extracts and essences of malt, or other concentrations thereof, in transit, or to be warehoused for exportation only.

A.D. 1869.

Repeal of duties on corn, &c.

4. The duties of customs chargeable upon the articles next herein-after mentioned imported into Great Britain and Ireland shall cease and determine on and after the first day of June one thousand eight hundred and sixty-nine; viz.,

Corn, grain, meal, and flour, and articles of the like character, viz.,

Wheat.
Barley.
Oats.
Rye.
Pease.
Beans.
Maize or Indian corn.
Buck wheat.
Bear or bigg.
Wheat meal and flour.
Barley meal.
Oat meal and groats.
Rye meal and flour.
Pea meal.
Bean meal.
Maize or Indian corn meal.
Buckwheat meal.
Meal not otherwise enumerated or described.
Arrowroot.
Barley, pearled.
Biscuit and bread.
Cassava powder.
Maccaroni.
Mandioca flour.
Manna croup.
Potato flour.
Powder, viz., hair.
Powder, perfumed.
Powder not otherwise enumerated or described, that will serve the same purpose as starch.
Rice dust and meal.
Sago.
Semolina.
Starch.
Starch, gum of, torrified or calcined.
Tapioca.
Vermicelli.

Part II.

As to Income Tax, Land Tax, and Inhabited House Duty.

Grant of duties of income tax specified in schedule (B.)

5. There shall be charged, collected, and paid, for the use of Her Majesty, her heirs and successors, the duties of income tax specified in schedule (B.) to this Act; and all the provisions contained in any Act relating to the duties of income tax, and in force on the fifth day of April one thousand eight hundred and sixty-nine, and not repealed by this Act, shall have as full force and effect with respect to the said duties of income tax granted by this Act, so far as the same shall be consistent with the provisions of this Act, as if the same had been herein expressly enacted with reference to the said duties so granted; and for the purposes of this Act the year one thousand eight hundred and sixty-two, mentioned in the forty-third section of the Act passed in the twenty-fifth year of Her Majesty's reign, chapter twenty-two, shall be read as and deemed to mean the year one thousand eight hundred and sixty-nine.

The sums assessed to the income tax under schedules (A.) and (B.) of 16 & 17 Vict. c. 34. for the year 1868 to be taken as the annual value for assessment under this Act.

6. The sum charged as the annual value or amount of any property, profits, or gains in the several and respective assessments of income tax made in pursuance of the Act passed in the thirtieth year of Her Majesty's reign, chapter twenty-three, under schedules (A.) and (B.) respectively of the Act passed in the sixteenth and seventeenth years of Her Majesty's reign, chapter thirty-four, for the year ended on the fifth day of April one thousand eight hundred and sixty-nine, shall (except in cases for which other provision is made by the Acts relating to income tax) be taken as the annual value or amount of such property, profits, or gains respectively for the year commencing on the sixth day of April one thousand eight hundred and sixty-nine; and the duties of income tax granted by this Act and chargeable, under the said schedules respectively, shall be computed, assessed, and charged according to such annual value or amount; and the commissioners executing the income tax Acts shall, for each place within their several and respective districts, cause duplicates of the assessments of the said duties, so computed, assessed, and charged under the said schedules (A.) and (B.) for the said last-mentioned year, to be made out and delivered, together with the warrants for collecting the same; and in England the said commissioners shall appoint such persons, being inhabitants of the place to which the duplicate shall relate, as they the said commissioners shall think fit to be collectors of the duties

A.D. 1869.

thereby charged, in like manner as if such persons had been presented to them by assessors under the Acts now in force: provided always, that the said assessment shall be subject to be increased in like manner as the assessments made for the year ended on the fifth day of April one thousand eight hundred and sixty-nine, and subject also to be abated or discharged at the end of the year commencing on the sixth day of April one thousand eight hundred and sixty-nine, for any cause allowed by the said Acts; provided, that whenever it shall appear that any property, profits, or gains chargeable under the said schedules (A.) and (B.) respectively have not been charged by the assessments made for the year ended on the fifth day of April one thousand eight hundred and sixty-nine, such property, profits, and gains shall be assessed to the duties of income tax granted by this Act under the provisions of the said several Acts applicable thereto.

Assessors not to be appointed for duties under schedules (A.) and (B.)

7. No assessors shall be appointed for the duties payable under the said schedules (A.) and (B.), but the inspectors or surveyors of taxes shall act as assessors in respect of such duties whenever it shall be necessary; and in lieu of the poundage granted by the one hundred and eighty-third section of the Act of the fifth and sixth years of Her Majesty, chapter thirty-five, to be divided between the assessors and collectors in regard to the duties which shall be collected under the said Schedules (A.) and (B.), there shall be paid a poundage of three halfpence to the collectors of the said duties.

Repeal of provisions requiring land tax, inhabited house duty, and certain duties of income tax to be paid quarterly.

The same to be payable every year on or before the 1st January.

8. The provisions made by any of the several Acts relating to the land tax or the duties on inhabited houses for the collection and payment of the land tax or the said duties in quarterly payments or instalments are hereby repealed; and the provisions made by any Act relating to the duties of income tax for the collection and payment in quarterly instalments of the said last-mentioned duties, except such as are payable by way of deduction, or are assessable in respect of railways, are also hereby repealed: And the land tax assessed in England for the year from the twenty-fifth day of March one thousand eight hundred and sixty-nine and ending on the twenty-fifth day of March one thousand eight hundred and seventy, and the duties on inhabited houses assessed in England for the year commencing on the sixth day of April one thousand eight hundred and sixty-nine and ending on the fifth day of April one thousand eight hundred and seventy, and the duties of income tax, except such as are payable by way of deduction or are assessable as aforesaid, assessed in England or Ireland for the year commencing and ending as last mentioned, shall be payable on or before the first day of January one thousand eight hundred and seventy; and the land tax, and the duties on inhabited houses, and the duties of income tax (except as aforesaid), in every assessment in England for every year subsequent to the twenty-fifth day of March one thousand eight hundred and seventy, or the fifth day of April one thousand eight hundred and seventy, as the case may be, and the said duties of income tax (except as aforesaid) in assessment in Ireland for every year subsequent to the fifth day of April one thousand eight hundred and seventy, shall be payable on or before the first day of January in each year.

Collectors to account for duties after the 1st day of January in every year.

9. The collectors of the said land tax and duties shall pay or account for the same to the proper officer for receipt on the day to be appointed for the receipt of the said land tax and duties next after the first day of January in every year.

Delivery of schedules of arrears.

10. Any schedule of arrears of the said land tax or duties delivered at any receipt as aforesaid shall have the like force and effect as if delivered at the time or times appointed by the Act passed in the forty-eighth year of the reign of King George the Third, chapter one hundred and forty-one, for the delivery of such schedules.

Exemption from inhabited house duties of trade premises under care of servant only.

11. From and after the fifth day of April one thousand eight hundred and sixty-nine, any tenement or part of a tenement occupied as a house for the purposes of trade only, or as a warehouse for the sole purpose of lodging goods, wares, or merchandize therein, or as a shop or counting-house, or being used as a shop or counting-house, shall be exempt from inhabited house duties, although a servant or other person may dwell in such tenement or part of a tenement for the protection thereof.

PART III.

As to Duty on Fire Insurances.

Repeal of the percentage duty on fire insurances.

12. On the twenty-fifth day of June one thousand eight hundred and sixty-nine, the stamp duty at the rate of one shilling and sixpence per centum per annum now payable for and in respect of insurances against loss or damage by fire only, shall cease and determine; and the several Acts and parts of Acts specified in the schedule marked (C.) to this Act are hereby repealed, save so far as respects any insurance made or renewed prior to the twenty-fifth day of June one thousand eight hundred and sixty-nine, and as respects any forfeiture or penalty incurred in respect of any offence against any enactment so repealed.

A.D. 1869.

Provision as to return of part of per-centage duty in certain cases.

13. Where any insurance against loss or damage by fire only may have been or shall be made or renewed after the twelfth day of April one thousand eight hundred and sixty-nine, and before the twenty-fifth day of June one thousand eight hundred and sixty-nine, for any period extending beyond the last-mentioned day, so much of the stamp duty at the rate of one shilling and sixpence per centum per annum paid for such insurance as may have been so paid in respect of any time subsequent to the twenty-fourth day of June one thousand eight hundred and sixty-nine shall, upon proof made of the truth of the facts, be allowed and returned.

PART IV.

As to the Duties on Tea Licences.

Repeal of excise licence for sale of tea, &c.

14. From and after the fifth day of July one thousand eight hundred and sixty-nine, it shall not be necessary for any person trading in or selling coffee, tea, cocoa nuts, chocolate, or pepper, to take out an excise licence for that purpose; and from and after the said day the enactments specified in schedule (D.) to this Act annexed shall be repealed, save as to any duties or penalties that may have been incurred previous thereto.

Provision as to rights of grocers in Ireland.

15. With reference to the fourth section of the Act passed in the sixth year of the reign of King George the Fourth, chapter eighty-one, all persons who shall deal in or sell coffee, tea, cocoa nuts, chocolate, or pepper in Ireland shall have the same rights, and be subject and liable to the same regulations, forfeitures, and penalties, as they would have had and been subject and liable to if this Act had not been passed, and they had been licensed under the said Act to deal in or sell any of the articles aforesaid.

PART V.

As to Assessed Taxes and Excise Licences.

Repeal of certain duties of assessed taxes.

16. The duties of assessed taxes now payable in Great Britain shall cease to be assessed in respect of male servants, carriages, horses, mares, geldings, mules, hair powder, and armorial bearings or ensigns employed, kept, used, or worn respectively after the fifth day of April one thousand eight hundred and sixty-nine in England, and after the twenty-fourth day of May one thousand eight hundred and sixty-nine in Scotland, and on persons using or exercising the trade and business of horse dealers after such days respectively; but all enactments as to the said duties shall remain in full force and effect as to all assessments of the said duties or any of them made or which ought to be made in England for the year commencing on the sixth day of April one thousand eight hundred and sixty-nine, and in Scotland for the year commencing on the twenty-fifth day of May one thousand eight hundred and sixty-nine, in respect of male servants, carriages, horses, mares, geldings, mules, hair powder, and armorial bearings or ensigns employed, kept, used, or worn respectively after the fifth day of April one thousand eight hundred and sixty-eight in England, or after the twenty-fourth day of May one thousand eight hundred and sixty-eight in Scotland, and on persons using or exercising the trade and business of horse dealers after such last-mentioned days respectively, and as to any arrears of or penalties incurred in relation to the said duties, or any of them, for any year.

Repeal of certain duties of excise, viz.:

17. On the first day of January one thousand eight hundred and seventy the following duties of excise shall cease to be payable, viz.:

Licences to let horses in Great Britain.

The duties upon licences to be taken out by persons who shall let horses for hire in Great Britain;

Licences to let post horses in Ireland.

The duties upon licences to let to hire horses for the purpose of travelling post by the mile or from stage to stage in Ireland;

Hackney carriage licences and duties.

The duties upon licences to keep, use, and let to hire hackney carriages within the limits of the metropolitan police district and the city of London, and also the weekly duties payable in respect of such hackney carriages;

Stage carriage licences and duties.

The duties upon licences to keep, use, and employ stage carriages in Great Britain, and also the mileage duty payable in respect of such stage carriages;

but all enactments as to the said duties respectively shall remain in full force and effect as to any of the said duties which shall be owing or in arrear on the said day, and as to any offences which shall have been committed against any of the said enactments previous thereto.

New duties of excise granted.

18. On and after the first day of January one thousand eight hundred and seventy there shall be granted, charged, levied, and paid, for the use of Her Majesty, her heirs and successors, in and throughout Great Britain, under and subject to the provisions and regulations in this Act contained, the following duties, that is to say:

	£	*s.*	*d.*
For every male servant - - - -	0	15	0
For every carriage—			
If such carriage shall have four or more wheels, and shall be of the weight of four hundredweight or upwards - - - - -	2	2	0
If such carriage shall have less than four wheels, or, having four or more wheels, shall be of a less weight than four hundredweight - -	0	15	0
For every horse or mule - - - -	0	10	6
For armorial bearings—			
If such armorial bearings shall be painted, marked, or affixed on or to any carriage - - -	2	2	0
If such armorial bearings shall not be so painted, marked, or affixed, but shall be otherwise worn or used - - - - -	1	1	0
For every horse dealer - - - -	12	10	0

And such duties respectively shall be paid annually upon licences to be taken out under the provisions of this Act by the person who shall employ the servant, or shall keep the carriage, or horse or mule, or shall wear or use the armorial bearings, or shall exercise or carry on the trade of a horsedealer.

Duties to be excise duties, and to be under the management of Commissioners of Inland Revenue.

And such duties and licences shall be excise duties and licences, and shall be under the management of the Commissioners of Inland Revenue; and, subject to the provisions of this Act, all the powers, clauses, regulations, and directions contained in any Act relating to excise duties or licences, or to penalties under excise Acts, and now or hereafter in force, shall respectively be of full force and effect with respect to the duties and the licences under this Act and the penalties hereby imposed, so far as the same are applicable and consistent with the provisions of this Act, as fully and effectually as if the same had been herein specially enacted with reference to the said last-mentioned duties, licences, and penalties respectively; and the said licences shall be in such form and shall be granted by such officer as the said Commissioners shall direct, and shall be dated on the day of granting the same, and shall expire on the thirty-first day of December then next following.

Provisions and regulations to be observed.

19. The provisions and regulations contained in this section shall be observed, viz.:

(1.) It shall not be necessary for any member of the Royal Family to make any declaration or to take out any licence under this Act, nor shall it be necessary for the sheriff of any county, or mayor or other officer in any corporation or royal burgh serving an annual office therein, to take out a licence for any servants, carriages, or horses employed or kept by him for the purposes of his office during his year of service, nor for any person who shall by right of office wear or use any of the arms or insignia of any member of the Royal Family, or of any corporation or royal burgh, to take out a licence in respect of the use of such arms or insignia:

(2.) It shall not be necessary for any person ordinarily residing in Ireland, and being a representative peer on the part of Ireland or a member of the House of Commons, and not residing in Great Britain longer than during the session of Parliament, and forty days before and forty days after the session, or for any person ordinarily residing in Ireland and residing in Great Britain by the order or direction of the Lord Lieutenant for the time being or of his chief secretary, for the purpose of public business, to make any declaration or to take out any licence under this Act in respect of any servants, carriages, horses or mules, or armorial bearings employed, kept, or used by him, save in respect of any subject matter of duty which shall be employed, kept, or used by such person in Great Britain during his residence in Ireland.

As to Male Servants.

(3.) The term "male servant" means and includes any male servant employed either wholly or partially in any of the following capacities; that is to say, maître d'hôtel, house steward, master of the horse, groom of the chambers, valet de chambre, butler, under butler, clerk of the kitchen, confectioner, cook, house porter, footman, page, waiter, coachman, groom, postilion, stable boy or helper in the stables, gardener, under gardener, park keeper, gamekeeper, under gamekeeper, huntsman, and whipper-in, or in any capacity involving the duties of any of the above descriptions of servants, by whatever style the person acting in such capacity may be called:

(4.) Every person who shall furnish any male servant on hire shall, for the purposes of this Act, be deemed to be the employer of such servant:

(5.) It shall not be necessary for licences to be taken out in the following cases, viz.;

By any officer in Her Majesty's army or navy for any servant, being a soldier in the army or a person actually

A.D. 1869.

borne upon the books of a ship, and employed by such officer in accordance with the regulations of Her Majesty's service:

By any licensed retailer of exciseable liquors or licensed keeper of a refreshment house for any servant employed by him solely for the purposes of his business, such servant being the only male servant employed by him:

By any person who shall have made entry of his premises in accordance with section twenty-eight of this Act for any servant employed by him at such premises in the course of his trade, other than a servant employed to drive a carriage with any horse let to hire for any period exceeding twenty-eight days; provided that such person shall have complied with all the provisions contained in the said section.

By any person duly licensed by proper authority to keep or use any public stage or hackney carriage for any servant necessarily employed by him to drive such stage or hackney carriage, or in the care of such stage or hackney carriage or of the horse or horses kept and used by him to draw the same.

As to Carriages.

(6.) The term "carriage" means and includes any vehicle drawn by a horse or mule, or horses or mules, except a waggon, cart, or other vehicle used solely for the conveyance of any goods or burden in the course of trade or husbandry, and whereon the christian name and surname and place of abode or place of business of the owner or the name or style and principal or only place of business of the company or firm owning the same shall be visibly and legibly painted in letters of not less than one inch in length.

(7.) Every person who shall let any carriage for hire shall, for the purposes of this Act, be deemed to be the person keeping such carriage.

As to Horses and Mules.

(8.) The term "horse" means and includes a horse or pony of any sex or description or age, except a foal, colt, or filly which shall never have been used for any purpose of draught or riding; and the term "mule" includes only such mule as shall have been at any time used for any purpose of draught or riding.

(9.) Every person who shall let any horse or mule for hire shall, for the purposes of this Act, be deemed to be the person keeping the same.

(10.) Any officer (not being commandant) and any member of the yeomanry or volunteer force required to use, and who shall have used, his horse on duty, and any person who shall have gratuitously furnished any horse which shall have been used on duty by any such officer or member as aforesaid, or for conveying any gun or any waggon or other military carriage in the service of the yeomanry or volunteer force, shall be entitled, after the expiration of any year ending on the thirty-first of December, to repayment of the duty paid by him for any licence in respect of any horse so used as aforesaid during such year; provided that upon any claim being made for repayment of duty such affidavits and certificates as are mentioned in the eleventh section of the Act passed in the forty-fourth year of the reign of King George the Third, chapter fifty-four, and the forty-second section of the Act passed in the twenty-sixth and twenty-seventh years of the reign of Her present Majesty, chapter sixty-five, respectively, and are applicable to the particular claim, shall be produced by the person applying for repayment; and provided that such affidavits and certificates respectively shall have reference to the use of any such horse for a year ending on the thirty-first of December.

(11.) Any field officer, adjutant, musketry instructor, or surgeon of a regiment of militia who shall be returned in the manner required by law as effective shall be entitled after the expiration of any year to repayment of the duty paid for a licence in respect of any horse used for the service of the militia in such year; provided that any application for repayment shall be accompanied by a certificate duly signed in the following form:

'I , commanding officer of the 'regiment of militia, do hereby certify that was 'a commissioned and serving in the said 'regiment as an effective member thereof, and that he 'kept one horse for the service of the militia in the year 'ended on the thirty-first day of December one thousand 'eight hundred and .'

(12.) It shall not be necessary for licences to be taken out in the following cases; viz.

By any officer serving in any of Her Majesty's regular forces for any horse or horses required by the regulations of the service to be kept by him;

By any effective officer commanding a volunteer corps for any number of horses not exceeding two kept by such officer for service in such corps;

By any person for any horse or mule kept by him solely for the purpose of husbandry or use in his business of a market gardener, and which shall not be used for riding or for drawing any carriage for the keeping or using of which a licence is required by this Act;

By any person in respect of any mare which shall be kept for the sole purpose of breeding;

By any person for any horse or mule used solely by him in any underground mine;

By any horsedealer duly licensed under this Act for any horse or mule, being his property and kept on his premises for sale, and which shall not be let for hire;

By any person for any horse for which duty has been previously paid as a race horse for the same year.

As to Armorial Bearings.

(13.) "Armorial bearings" means and includes any armorial bearing, crest, or ensign, by whatever name the same shall be called, and whether such armorial bearing, crest, or ensign shall be registered in the College of Arms or not.

(14.) Any person who shall keep any carriage, whether owned or hired by him, shall be deemed to wear and use any armorial bearings painted or marked thereon or affixed thereto.

(15.) It shall not be necessary for a licence to be taken out by any person duly licensed by proper authority to keep or use any public stage or hackney carriage for any armorial bearings painted or marked on such stage or hackney carriage.

Notice to be affixed on or near the church door as to duties and declarations under this Act.

20. On or before the first day of January one thousand eight hundred and seventy, and on or before the first day of January in every subsequent year, the said Commissioners shall cause to be placed upon or near to the door of every church in Great Britain a printed or written notice setting forth the duties payable upon licences required to be taken out under this Act, and stating from whom forms of declaration under this Act can be obtained by persons residing within the parish in which the church is situated, and to whom the declarations when filled up and signed are to be delivered, and the duties paid, and by whom the licences are to be granted, and every such notice shall be kept affixed upon or near to the door of such church for such time as the said Commissioners shall direct; provided that the liability of any person to fill up, sign, and deliver any declaration, or to pay duties and take out licences, shall not be affected, nor shall any proceeding of any kind nor any act done by any person in pursuance of this Act be deemed to be invalid or unlawful, by reason of such notice not having been placed or kept affixed as aforesaid.

Commissioners to provide forms of declaration.

21. The said Commissioners shall cause to be prepared and issued to every person applying for the same such forms of declarations and books of account as may be required for carrying out the purposes of this Act.

Persons keeping servants, &c. to make declarations.

22. Every person employing any male servant, or keeping any carriage, horse, or mule, or wearing or using any armorial bearings, or exercising or carrying on the trade of a horsedealer, shall fill up and sign a declaration in the prescribed form wherein shall be stated the following particulars; viz.,

The number of male servants employed by him, and in what capacity:

The number of carriages kept by him, and the number of wheels of each carriage, and also whether any carriage having four or more wheels shall weigh less than four hundredweight:

The number of horses and mules kept by him:

Whether he wears or uses armorial bearings, and, if so, whether the same are painted, marked, or affixed on any carriage kept by him:

The number of male servants or carriages or horses or mules hired by him, with the name and address of the person from whom he shall have hired the same:

And, if he exercises or carries on the trade of a horsedealer, state at what place or places, and the number of horses and mules kept by him otherwise than for sale:

And also such further particulars as the said Commissioners may, by the form of declaration, require to be therein stated.

And if a licence is unnecessary in respect of any of the above particulars under the provisions and regulations of this Act, the declaration shall contain a further statement showing—

In what respect, and upon what ground, the licence is unnecessary.

And such person shall deliver the declaration so filled up and signed by him, and shall pay the duties to which he shall by such declaration appear to be liable to the person or persons named therein as the person or persons appointed to receive such declara-

A.D. 1869.

tion and duties respectively, before the expiration of the month of January in each year, or before the expiration of twenty-one days from the day of his commencing to employ any servant, or to keep or use any carriage, horse, or mule, or to wear or use any armorial bearings, or to exercise or carry on the trade of a horsedealer.

Additional declaration to be made, and further duties paid when required.

23. Whenever any person who shall have delivered a declaration under the preceding section shall become liable to further duties by reason of his employing a greater number of male servants, or keeping a greater number of carriages, horses, or mules, than he shall have returned in such declaration, or by reason of any change in the character of any carriage kept by him, or in the mode of wearing or using armorial bearings, he shall fill up and sign an additional declaration, specifying, with reference to such liability, the particulars required by the said preceding section, and shall deliver such additional declaration so filled up and signed, and pay such further duties as by such last-mentioned declaration shall appear to be payable by him to the person or persons named therein as the person or persons appointed to receive such declaration and duties respectively, before the expiration of twenty-one days from the day of his becoming so liable as aforesaid: provided that when payment shall be made of further duty by reason of any change in the character of any carriage, or in the mode of wearing or using armorial bearings, the duty already paid in respect of the carriage or armorial bearings shall be allowed and repaid.

Special notice requiring declaration may be served on any person.

24. The said commissioners may direct a special notice to be served upon any person, requiring such person to fill up, sign, and deliver to the officer named in such notice a form of declaration to be left with such notice stating whether such person is liable to the payment of any of the duties imposed by this Act or not, and also the several particulars required by section twenty-two of this Act, so far as the same shall be applicable, and to pay the duties with which he shall appear by such declaration to be chargeable to the person named therein within fourteen days from the date of the service of such special notice.

Penalty for neglect to deliver declaration, or for delivering an untrue declaration.

25. Every person who shall neglect or refuse to deliver any declaration in conformity with the provisions of this Act, and every person who shall deliver a declaration wherein the particulars required by this Act to be therein set forth shall not be fully and truly stated, shall forfeit the penalty of twenty pounds, and that over and above any duties to which he may be liable.

Licences to be granted for duties paid.

26. Any person appointed to grant licences shall grant and deliver to every person who shall pay to him any duties a licence or licences under this Act, in which licence or licences shall be specified the particulars of the duties paid, the year for which the duties shall be paid, with any other particulars the said commissioners may direct; and no licence shall be granted except upon payment of the full duties imposed by this Act, nor shall any licence granted under this Act be transferred to any person other than the widow of the person to whom such licence shall have been originally granted, or to his executors or administrators, or to his assignees in bankruptcy.

Penalty for not taking out licence.

27. Every person who shall employ any male servant, or keep any carriage, horse, or mule, or wear or use any armorial bearings, or exercise or carry on the trade of a horsedealer, without having first obtained a proper licence under this Act, and every person who shall employ a greater number of male servants, or shall keep a greater number of carriages, horses, or mules, than he shall be authorized to employ or keep by any licence or licences granted under this Act, or shall wear or use armorial bearings otherwise than as authorized by any such licence, shall forfeit the penalty of twenty pounds over and above any other penalty to which such person may be liable; provided that such penalty shall not be recoverable where the defendant in any proceeding for the recovery of the same shall prove to the satisfaction of the justices before whom such proceeding shall be depending that he had delivered a declaration, and paid the proper duties, and obtained a proper licence, within the time prescribed by this Act; provided also, that if in any proceeding for recovery of the said penalty any question shall arise as to the number of servants employed, or the number of carriages, horses, or mules kept or used, or the weight of any carriage kept or used, by the defendant, or whether the defendant was entitled to any exemption from licence under the provisions and regulations contained in this Act, the burden of proving the number or weight, or right to exemption, as the case may be, shall lie upon the defendant.

Penalty not recoverable where duties are paid within time prescribed.

Persons who carry on certain trades may enter their premises, and shall then paint their names, &c. thereon.

28. Every person who exercises or carries on the trade of a horsedealer or of a livery stable keeper, or who lets any horse for hire, or who keeps any horse to be used for drawing any public stage or hackney carriage, may, if he shall think fit, deliver to an officer of inland revenue acting in the parish or place in which his premises are situated an entry in writing, signed by such person, containing a description of the premises and of the purpose for which he uses or intends to use them; and every person who shall have delivered any such entry shall cause to be legibly painted upon some conspicuous part of the premises so entered, or upon a board affixed thereto, his

A.D. 1869.

christian name and surname, with the addition of such other words as shall denote the particular trade or business, or trades or businesses (if more than one), carried on by him; and such person shall also allow any officer of inland revenue at any reasonable time to inspect the entered premises; and if any person who shall have delivered any such entry as aforesaid shall neglect to comply with the provisions of this section, or any of them, he shall forfeit a penalty of twenty pounds.

Livery stable keepers and other persons to keep books of account containing certain particulars.

29. Every livery stable keeper shall from time to time enter in a book an account of every carriage, horse, and mule standing at livery or otherwise on his premises, with the christian name and surname and place of abode of the person to whom such carriage, horse, or mule shall belong. And every person who shall furnish any servant on hire, or let any carriage, horse, or mule for hire to be kept away from his premises, shall from time to time enter in a book an account of every such servant, carriage, horse, or mule, with the name of such servant, the number of wheels of such carriage, and the name and address of the person hiring such servant, carriage, horse, or mule; and all such books shall at all reasonable times in the day time be open to the inspection of any officer of inland revenue, who shall have power to make any extract therefrom; and any person who shall neglect or refuse to do any act or thing required to be done by this section, or who shall prevent or obstruct any officer of inland revenue in the exercise of any duty or power imposed upon or vested in him by this section shall forfeit the penalty of twenty pounds.

Recovery of duties.

30. If any person who shall have delivered any declaration under this Act shall not within the time prescribed in that behalf have paid the duties appearing by such declaration to be payable by him, the officer of inland revenue acting in the parish or place wherein he shall reside or shall carry on business shall serve such person with a notice, requiring him, within seven days from the date thereof, to pay the duties according to such declaration; and upon neglect or refusal to pay such duties it shall be lawful for the collector, or person acting as collector, of inland revenue, within whose collection the parish or place in which such person shall reside or carry on business shall be situated, upon receiving from the said officer a certificate of such neglect or refusal, to issue his warrant to any officer of inland revenue to distrain such person by his goods and chattels; and such warrant shall have the same force and effect as the levy warrant referred to in the Excise Act of the seventh and eighth years of King George the Fourth, chapter fifty-three, section eighty-nine, and the distress so taken shall be kept for the space of four days at the costs and charges of the person so distrained; and if the said person shall not pay the duties, together with the costs and charges within the said four days, then the distress shall be sold and the proceeds of sale shall be applied in satisfaction of the duties and the costs and charges of taking, keeping, and selling the said distress, and the surplus (if any) shall be handed over to the person distrained; and where for the purpose of distraining it shall be necessary to break open the door of any house the officer shall distrain in the presence of a police or other constable; and where no sufficient distress can or may be found, then and in every such case any two of the said commissioners are hereby authorized by warrant under their hands to commit the defaulter to the common gaol or house of correction for the place where such defaulter shall be arrested, there to be kept until payment shall be made or he shall be released by order of the said commissioners; and any warrant of distress or commitment issued by virtue of this Act may be in the form given in schedule (F.) to this Act, and may be executed in any part of the United Kingdom.

Assignee to pay duties owing by bankrupt.

31. When any person against whom a warrant of distress shall have been issued as directed in the preceding section shall be or shall have become bankrupt, so that a levy upon his goods and chattels cannot be made, the assignee, or other person in whom the estate of the said bankrupt shall be vested by operation of law, shall, out of any moneys that may be in or come to his hands in respect of the bankrupt's estate, pay to the said commissioners, for the use of Her Majesty, the amount of duties for which the said warrant of distress shall have been issued.

What shall be service of notice and summons.

32. Every notice to be served under the provisions of this Act, and every summons upon any information for recovery of a penalty imposed by this Act, may be served personally or left at the usual or last known place of abode of the person to be served.

Licences to be produced when required.

Penalty.

33. If any person who shall have taken out a licence or licences under this Act shall not produce and deliver such licence or licences to be examined and read by any officer of inland revenue within a reasonable time after such officer shall request the production of the same, he shall forfeit the penalty of five pounds.

Commissioners to repay one fourth part of the amount paid for post horse licences.

34. The said Commissioners shall, on or after the first day of January one thousand eight hundred and seventy, repay to any person who shall have taken out a licence to let horses for hire in Great Britain expiring on the fifth day of April one thousand eight hundred and seventy a sum of money equal to one fourth part of the annual amount payable in respect of such licence.

Stage carriage licences expiring on first Sunday in November 1869 to continue in force until 31st December following.

35. Whereas certain licences to keep, use, and employ stage carriages will, under the laws now in force, expire on the first Sunday in the month of November one thousand eight hundred and sixty-nine: Be it enacted, that all such licences shall continue in force until the thirty-first day of December then next following; and the holders of such licences shall respectively be liable to and chargeable with the payment of the same rate and amount of duties as are chargeable upon them according to the terms of such licences until and inclusive of the said thirty-first day of December.

Provision as to duty to be paid on hackney carriages in the last week of the year.

36. Whereas the duty in respect of hackney carriages licensed within the metropolitan police district is a weekly duty and imposed by the week, including and ending on a Sunday, and the said duty is by this Act to cease on Saturday the first day of January one thousand eight hundred and seventy: Be it enacted, that the duty payable in respect of every such hackney carriage for the week commencing on Monday the twenty-seventh day of December next shall be the sum of five shillings.

CLAUSE B. Provision for payment of duty on carriages let for hire under existing contracts.

37. In the case of any contract made before the passing of this Act for the hire of any carriage for a period of a year or upwards, it shall be lawful for the person letting such carriage and he is hereby empowered to add the amount of duty paid by him from time to time under the provisions of this Act in respect of such carriage to the sum agreed to be paid for the hire thereof under any such contract, and to recover such duty from the hirer of such carriage.

Provision as to certain shepherds' dogs with reference to 30 Vict. c. 5.

38. In the case of a person following the calling and occupation of a shepherd, and keeping a dog solely for the purpose or in the exercise of such calling and occupation, the hirer or employer of the shepherd shall, so far as respects the liability to the duty imposed by the Act of the thirtieth Victoria, chapter five, be deemed to be the person keeping such dog: Provided always, that the licence for any such dog shall be granted in the name of the shepherd, who shall after the granting thereof be deemed to be the person licensed to keep the dog within the meaning of the said Act.

Repeal of enactments in schedule (E.)

39. The several Acts and parts of Acts specified in schedule (E.) to this Act are hereby repealed, save as mentioned in the sixteenth and seventeenth sections of this Act.

SCHEDULE (A.)

Containing the Duties of Customs granted by this Act.

Continuation of duty on tea.

The duties of customs now charged on tea shall continue to be levied and charged,—

On and after the first day of August one thousand eight hundred and sixty-nine until the first day of August one thousand eight hundred and seventy, on the importation thereof into Great Britain and Ireland, that is to say,

Tea - - - - - the lb. 6*d*.

Alteration of duties on beer, &c.

In lieu of the duties of customs now chargeable on beer and ale as denominated in the tariff, on importation into Great Britain and Ireland, the following duties shall on and after the first day of June one thousand eight hundred and sixty-nine, be charged, that is to say:

	£	*s.*	*d.*
Beer and ale, namely,			
Mum, the barrel of thirty-six gallons	1	1	0
Spruce, the worts of which were, before fermentation, of a specific gravity not exceeding one thousand one hundred and ninety degrees, the barrel of thirty-six gallons	1	1	0
Exceeding one thousand one hundred and ninety degrees, the barrel of thirty-six gallons	1	4	0
Of other sorts, viz.			
Beer, the worts of which were, before fermentation, of a specific gravity not exceeding one thousand and sixty-five degrees, the barrel of thirty-six gallons	0	8	0
Exceeding one thousand and sixty-five degrees, and not exceeding one thousand and ninety degrees, the barrel of thirty-six gallons	0	11	0
Exceeding one thousand and ninety degrees, the barrel of thirty-six gallons	0	16	0

And in charging the above rates of duty upon the importation of beer, the specific gravity of the worts from which the same was made shall be ascertained and determined in the manner prescribed by the sixteenth section of the Act of the nineteenth and twentieth Victoria, chapter thirty-four, for ascertaining and determining the rates of drawback on the exportation of beer.

A.D. 1869.

SCHEDULE (B.)

CONTAINING THE DUTIES OF INCOME TAX GRANTED BY THIS ACT.

For one year commencing on the sixth day of April one thousand eight hundred and sixty-nine, for and in respect of all property, profits, and gains mentioned or described as chargeable in the Act passed in the sixteenth and seventeenth years of Her Majesty's reign, chapter thirty-four, for granting to Her Majesty duties on profits arising from property, professions, trades, and offices, the following duties shall be charged; (that is to say,)

For every twenty shillings of the annual value or amount of all such property, profits, and gains (except those chargeable under schedule (B.) of the said Act) the duty of fivepence:

And for and in respect of the occupation of lands, tenements, hereditaments, and heritages chargeable under schedule (B.) of the said Act, for every twenty shillings of the annual value thereof,

In England the duty of twopence halfpenny;

And in Scotland and Ireland respectively, the duty of one penny three farthings:

Subject to the provisions contained in section three of the Act twenty-sixth Victoria, chapter twenty-two, for the exemption of persons whose whole income from every source is under one hundred pounds a year, and relief of those whose income is under two hundred pounds a year.

SCHEDULE (C.)

CONTAINING the ENACTMENTS in relation to FIRE INSURANCE repealed by this Act.

Session and Chapter.	Title or abbreviated Title.	Extent of Repeal.
22 Geo. 3. c. 48. -	An Act for charging a duty on persons whose property shall be insured against loss by fire.	The whole Act.
26 Geo. 3. c. 82. -	An Act for the more effectually carrying into execution the laws relating to the duties on stamped vellum, &c.	Section 9.

Session and Chapter.	Title or abbreviated Title.	Extent of Repeal.
50 Geo. 3. c. 35. -	An Act for altering the mode of collecting the duty on insurances against loss by fire upon property in His Majesty's islands and possessions in the West Indies, &c.	Sections from 1 to 10, both inclusive.
55 Geo. 3. c. 101. -	An Act to regulate the collection of stamp duties on matters in respect of which licences may be granted by the commissioners of stamps in Ireland.	Sections from 14 to 27, both inclusive.
55 Geo. 3. c. 184. -	An Act for repealing the stamp duties on deeds, &c.	Sections from 32 to 36, both inclusive.
9 Geo. 4. c. 13. -	An Act for further regulating the payment of the duties under the management of the commissioners of stamps on insurances from loss or damage by fire.	The whole Act.
3 & 4 Will. 4. c. 23. -	An Act to reduce the stamp duties on advertisements, &c.	Section 6.
5 & 6 Vict. c. 79. -	An Act to repeal the duties payable on stage carriages, &c.	Section 20.
13 & 14 Vict. c. 97. -	An Act to repeal certain stamp duties, &c. -	Section 19.
19 Vict. c. 22. -	An Act to amend the laws relating to the duties on fire insurances.	So far as it relates to the duty on fire insurances repealed by this Act.
27 Vict. c. 18. -	An Act to grant certain duties of customs and inland revenue.	Sections 9 and 10.

SCHEDULE (D.)

CONTAINING the ENACTMENTS in relation to LICENCES to sell Coffee, Tea, Cocoa Nuts, Chocolate, and Pepper, repealed by this Act.

Session and Chapter.	Title or abbreviated Title.	Extent of Repeal.
10 Geo. 1. c. 10.	An Act for repealing certain duties therein mentioned payable upon coffee, tea, &c.	Sections 9, 10, 14, and 41.
59 Geo. 3. c. 53. -	An Act for granting to His Majesty certain additional duties of excise on tea, coffee, &c.	The whole Act.
24 & 25 Vict. c. 21. -	An Act for granting to Her Majesty certain duties of excise and stamps.	Section 8.
27 Vict. c. 18. - -	An Act to grant certain duties of customs and inland revenue.	Sections 6 and 7, and so much of schedule B. as relates to licences to sell tea.

SCHEDULE (E.)

CONTAINING the ENACTMENTS in relation to ASSESSED TAXES and EXCISE DUTIES repealed by this Act.

Session and Chapter.	Title or abbreviated Title.	Extent of Repeal.
50 Geo. 3. c. 104. -	An Act for altering the amount of certain duties of assessed taxes, &c. &c.	The whole Act.
51 Geo. 3. c. 72. -	An Act for granting exemptions in certain cases from the payment of the duties charged in respect of servants, &c. &c.	The whole Act.
52 Geo. 3. c. 93. -	An Act for granting to His Majesty certain new and additional duties of assessed taxes, &c.	The whole Act.
54 Geo. 3. c. 141. -	An Act to alter so much of an Act made in the fifty-second year of His present Majesty as relates to the duties payable in respect of killing game.	The whole Act.
55 Geo. 3. c. 19. -	An Act to grant certain duties of excise, &c. &c.	So much of the schedule (A.) as relates to a duty on "any licence "to any person to let "to hire any horse for "the purpose of travelling post by the "mile or from stage "to stage."
56 Geo. 3. c. 66. -	An Act for reducing the duties payable on horses used for the purposes therein mentioned for two years, &c.	The whole Act.
58 Geo. 3. c. 16. -	An Act to continue until the fifth day of April one thousand eight hundred and nineteen and amend an Act of the fifty-sixth year of His present Majesty for reducing the duties payable on horses used for the purposes therein mentioned.	The whole Act.
58 Geo. 3. c. 17. -	An Act for charging certain duties on four-wheeled carriages constructed and drawn in the manner therein described.	The whole Act.
59 Geo. 3. c. 13. -	An Act to continue two Acts of the fifty-sixth and fifty-eighth years of His present Majesty for reducing the duties payable on horses used for the purposes therein mentioned, &c. &c.	The whole Act.
59 Geo. 3. c. 51. -	An Act to relieve persons compounding for their assessed taxes from an annual assessment for the term of three years.	The whole Act.
59 Geo. 3. c. 118. -	An Act to give relief in certain cases of assessments of taxes in Great Britain, &c. &c.	The whole Act.

Session and Chapter.	Title or abbreviated Title.	Extent of Repeal.
1 Geo. 4. c. 73. -	An Act to extend the period allowed to persons compounding for their assessed taxes, &c.	The whole Act.
1 & 2 Geo. 4. c. 20. -	An Act to continue until the fifth day of April one thousand eight hundred and twenty-three several Acts of His late Majesty for reducing the duties payable on horses used for the purposes therein mentioned.	The whole Act.
1 & 2 Geo. 4. c. 110. -	An Act for repealing the duties imposed on husbandry horses, &c. &c.	The whole Act.
1 & 2 Geo. 4. c. 113. -	An Act to continue several Acts for the relief of persons compounding for assessed taxes, &c., &c.	The whole Act, except sections 34 and 35.
3 Geo. 4. c. 50. -	An Act to extend the period allowed to persons compounding for their assessed taxes, &c.	The whole Act.
4 Geo. 4. c. 45. -	An Act for allowing persons to compound for their assessed taxes, &c. &c.	The whole Act.
5 Geo. 4. c. 44. -	An Act for allowing persons to compound for their assessed taxes, &c.	The whole Act, except section 4.
6 Geo. 4. c. 7. -	An Act for the further repeal of certain duties of assessed taxes, &c.	The whole Act, except sections 2, 3, 6, 7, and 11.
7 Geo. 4. c. 22. -	An Act to enable persons to continue their compositions for assessed taxes, &c. &c.	The whole Act.
10 Geo. 4. c. 21. -	An Act to continue compositions for the assessed taxes for a further term of one year.	The whole Act.
1 Will. 4. c. 35. -	An Act to continue compositions for assessed taxes for a further term of one year, &c.	The whole Act.
1 & 2 Will. 4. c. 7. -	An Act to continue compositions for assessed taxes until the fifth day of April one thousand eight hundred and thirty-three, and to grant relief in certain cases.	The whole Act.
1 & 2 Will. 4. c. 22. -	An Act to amend the laws relating to hackney carriages, &c. &c.	Sections 2 and 3, 5 to 17 both inclusive, 19 to 25 both inclusive, 30 to 33 both inclusive, 49, 58, and 61. The whole of schedules (A.), (B.), (C.), and form No. 1. in schedule D.
2 & 3 Will. 4. c. 82. -	An Act to reduce the duties now payable in certain cases on carriages with less than four wheels.	The whole Act.

Session and Chapter.	Title or abbreviated Title.	Extent of Repeal.
2 & 3 Will. 4. c. 113.	An Act to continue until the fifth day of April one thousand eight hundred and thirty-four compositions for the assessed taxes, &c.	The whole Act, except section 3.
2 & 3 Will. 4. c. 120.	An Act to repeal the duties under the management of the Commissioners of stamps on stage carriages and on horses let for hire in Great Britain, and to grant other duties in lieu thereof, &c.	Sections 2 to 5 both inclusive, 8 to 34 both inclusive, 50 to 100 both inclusive, the whole of schedule (A.), and forms Nos. 1, 2, 3, 4, and 5 in schedule (B.)
3 & 4 Will. 4. c. 34.	An Act to continue until the fifth day of April one thousand eight hundred and thirty-five compositions for the assessed taxes.	The whole Act.
3 & 4 Will. 4. c. 39.	An Act to reduce certain of the duties on dwelling houses, and to repeal other duties of assessed taxes.	The whole Act.
4 & 5 Will. 4. c. 54.	An Act to continue for five years from the fifth day of April one thousand eight hundred and thirty-five and to amend the Acts for authorizing a composition for assessed taxes.	The whole Act.
4 & 5 Will. 4. c. 73.	An Act to grant relief from the duties of assessed taxes in certain cases.	The whole Act, except section 2.
5 & 6 Will. 4. c. 64.	An Act to alter certain duties of stamps and assessed taxes, &c.	The whole Act, except sections 1 to 7 both inclusive, and sections 10 to 13 both inclusive.
6 & 7 Will. 4. c. 45.	An Act to transfer the collection and management of the duties in Great Britain on horses let for hire, &c. from the Commissioners of Stamps and Taxes to the Commissioners of Excise.	The whole Act.
6 & 7 Will. 4. c. 65.	An Act for granting relief from the duties of assessed taxes, &c. &c.	The whole Act, except sections 9 to 12 both inclusive.
2 & 3 Vict. c. 35.	An Act to contiuue for one year compositions for assessed taxes, &c. &c.	The whole Act.
2 & 3 Vict. c. 66.	An Act to reduce certain of the duties now payable on stage carriages.	The whole Act.
3 & 4 Vict. c. 38.	An Act to continue compositions for assessed taxes until the fifth day of April one thousand eight hundred and forty-two.	The whole Act.

Session and Chapter.	Title or abbreviated Title.	Extent of Repeal.
4 & 5 Vict. c. 26. -	An Act to continue compositions for assessed taxes until the fifth day of April one thousand eight hundred and forty-three.	The whole Act.
5 & 6 Vict. c. 79. -	An Act to repeal the duties payable on stage carriages, and on passengers conveyed upon railways, &c. &c.	Sections 8 to 12, both inclusive, and so much of the schedule as relates to the duties on stage carriages and passengers conveyed upon railways.
6 & 7 Vict. c. 86. -	An Act for regulating hackney and stage carriages in and near London.	Section 26.
8 & 9 Vict. c. 36. -	An Act to continue for five years and to amend the Acts for authorizing a composition for assessed taxes.	The whole Act.
13 & 14 Vict. c. 96. -	An Act to continue and amend the Acts for authorizing a composition for assessed taxes.	The whole Act.
14 & 15 Vict. c. 33. -	An Act to enlarge the period allowed for compounding for assessed taxes.	The whole Act.
16 & 17 Vict. c. 88. -	An Act to repeal the duties payable in respect of horses let for hire, and to grant new duties on licences to let horses for hire.	The whole Act.
16 & 17 Vict. c. 90. -	An Act to repeal certain duties of assessed taxes, and to grant other duties of the same description, &c.	The whole Act, except seection 8.
16 & 17 Vict. c. 127. -	An Act to reduce the duties payable in respect of hackney carriages used in the metropolis, &c. &c.	The whole Act, except sections 13 to 17, both inclusive.
17 Vict. c. 1. - -	An Act to explain and amend an Act of the last session relating to the duties of assessed taxes, &c.	The whole Act, except section 5.
18 & 19 Vict. c. 78. -	An Act to reduce certain duties payable on stage carriages, &c.	Sections 1, 2, and 3.
23 & 24 Vict. c. 113. -	An Act to grant duties of excise on chicory, &c. &c.	Section 38.
26 & 27 Vict. c. 33. -	An Act for granting to Her Majesty certain duties of inland revenue, and to amend the laws relating to the inland revenue.	Sections 6 to 12, both inclusive.
29 Vict. c. 36. - -	An Act to grant, alter, and repeal certain duties of customs and inland revenue, &c.	The whole of schedule (B.)
29 & 30 Vict. c. 64. -	An Act to amend the laws relating to the inland revenue.	Section 10.

SCHEDULE (F.)

A Schedule of Forms.

Form of Levy Warrant for Recovery of Duties.

Collection of inland revenue. } To   and   officers of inland revenue, or either of them.

Whereas it has been certified to me that *A.B.* of   has made default in payment of the sum of   pounds   shillings and   pence, being the amount due and owing from the said *A.B.* in respect of certain duties of excise imposed by the Act [*insert number of this Act*]. Now I, the undersigned, being the collector of inland revenue for the collection mentioned in the margin (within which collection the said *A.B.* resides or carries on business), do, by this warrant under my hand, in Her Majesty's name, authorize and empower you, the above-named officers, or either of you, to distrain the said *A.B.* by his goods and chattels, wherever the same may be found in the United Kingdom, and to levy thereon the said sum so due and owing, together with all reasonable charges and expenses attending such levy; and if the said sum, with the charges and expenses, shall not be paid within the space of four days next after the day of making such levy, then to sell and dispose of so much thereof as shall be sufficient to levy the said sum, together with the reasonable charges and expenses attending the taking, keeping, and selling of such goods and chattels; and if, after deducting the said sum, charges, and expenses, any surplus shall remain, then to return the same to the person distrained.

Given under my hand at   in the county of
this   day of   in the year of our Lord one
thousand eight hundred and   .

Collector of inland revenue.

To be indorsed upon back of Levy Warrant.

The return of   , being one of the officers of inland revenue to whom the within warrant is directed.

I hereby certify to the Commissioners of Inland Revenue that I cannot find any goods or chattels of the within-named *A.B.* whereon the within-mentioned duties can be levied [*or* that I have seized and sold divers goods and chattels, and have levied the sum of   pounds   shillings and   pence, and that the charges and expenses attending the taking, keeping, and selling such goods and chattels amounted to pounds shillings and pence, leaving the sum of pounds shillings and pence due and owing to Her Majesty].

Dated the day of one thousand eight hundred and .

Officer of inland revenue.

Form of a Warrant of Commitment for Want of a sufficient Distress.

To *C.D.* and *E.F.*, officers of inland revenue or to either of them, and to the keeper of the common gaol or house of correction for the place where the person herein-after directed to be apprehended shall be found.

Whereas a certain levy warrant was, on the day of 18 , issued by the collector of inland revenue for the collection to certain officers of inland revenue for the recovery of the sum of pounds shillings and pence, being the amount of certain duties of excise imposed by the Act [*insert number of this Act*], and due and owing from one *A.B.*: And whereas it appears by a return made by one of the said officers upon the back of the said levy warrant that no sufficient distress of the goods and chattels of the said *A.B.* can be found whereon to levy the said sum, with the costs and charges referred to in the said warrant: And whereas it appears that the said sum, costs, and charges amount together to pounds shillings and pence, whereof has been recovered.

Now we, the undersigned, being two of the Commissioners of Inland Revenue, do, by virtue of the power given to us by the said Act, authorize and empower you the said *C.D.* and *E.F.*, or either of you, to apprehend the said *A.B.* wherever he shall be in the United Kingdom, and him safely to convey to the common gaol or house of correction for the place where the said *A.B.* shall be apprehended, and there to deliver him to the keeper of such gaol or house of correction together with this warrant; and we do hereby command you the said keeper to receive the said *A.B.* into your custody in the said gaol or house of correction, and him therein safely to keep until he shall pay the said sum of pounds shillings and pence, or until he shall be ordered by the Commissioners of Inland Revenue to be discharged.

Given under our hands at the Inland Revenue Office at Somerset House, in the city of Westminster, this day of one thousand eight hundred and

Customs and Inland Revenue Duties.

A

B I L L

[AS AMENDED IN COMMITTEE]

To grant certain Duties of Customs and Inland Revenue, and to repeal and alter other Duties of Customs and Inland Revenue.

(*Prepared and brought in by*
Mr. Dodson, Mr. Chancellor of the Exchequer,
and Mr. Ayrton.)

Ordered, by The House of Commons, *to be Printed,*
27 *May* 1869.

[Bill 132.]

Under 4 *oz.*

A

B I L L

TO

Abolish the distinction as to priority of payment which now exists between the specialty and simple contract debts of deceased persons.

A.D. 1869.

WHEREAS it is expedient to abolish the distinction as to priority of payment between specialty and simple contract debts of deceased persons:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

All debts of deceased persons to stand in equal degrees after 1st Jan. 1870.

1. In the administration of the estate of every person who shall die on or after the *first day of January one thousand eight hundred and seventy* no debt or liability of such person shall be entitled to any priority or preference by reason merely that the same is secured by or arises under a bond, deed, or other instrument under seal, or is otherwise made or constituted a specialty debt; but all the creditors of such person, as well specialty as simple contract, shall be treated as standing in equal degree, and be paid accordingly out of the assets of such deceased person, whether such assets are legal or equitable, in the same manner as the creditors of a deceased person are now paid in the administration of equitable assets by the Court of Chancery: Provided always, that this Act shall not prejudice or affect any lien, charge, or other security which any creditor may hold or be entitled to for the payment of his debt.

Act not to extend to Scotland.

2. This Act shall not extend to Scotland.

Debts of Deceased Persons.

A

B I L L

To abolish the distinction as to priority of payment which now exists between the specialty and simple contract debts of deceased persons.

(Prepared and brought in by
Mr. Hinde Palmer, Mr. Locke King, and
Mr. Headlam.)

Ordered, by The House of Commons, *to be Printed,*
16 *June* 1869.

[Bill 165.]

Under 1 *oz.*

Diplomatic Salaries, &c. Bill.

ARRANGEMENT OF CLAUSES.

Clause
1. Short Title.
2. Commencement of Act.
3. Interpretation of Terms.
4. Repeal of 2 & 3 Will. 4. c. 116. ss. 4–8.
5. Salaries, pensions, &c. payable out of annual votes.
6. Amounts of diplomatic pensions.
7. Qualifications for pensions.
8. Pension to invalided secretaries.
9. Allowance in case of bodily injury.
10. Temporary pension on rupture of diplomatic relations.
11. Forfeiture of pension on refusal to serve again.
12. Suspension of payments on holding other offices.
13. Determination of class of missions.
14. Employment beyond limits of state.
15. Pension on transfer from consular to diplomatic service.
16. Pension, &c. to be free from taxes.

A

BILL

TO

Provide for the payment of Diplomatic Salaries, Allowances, and Pensions.

A.D. 1869.

WHEREAS it is expedient to provide for the payment of the salaries, allowances, and pensions of persons in Her Majesty's diplomatic service out of moneys provided by Parliament instead of out of the Consolidated Fund, and otherwise to amend the law respecting the same:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as "The Diplomatic Salaries, &c. Act, 1869."

Commencement of Act.

2. This Act shall come into operation on the day of One thousand eight hundred and , which day is in this Act referred to as "the commencement of this Act.

Interpretation of terms.

3. In this Act, unless the context otherwise requires,

The term "Treasury" means the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury:

The term "Secretary of State" means that one of Her Majesty's Principal Secretaries of State who is entrusted with the seals of the Department for Foreign Affairs, or performs the duties of that department.

Repeal of 2 & 3 W. 4. c. 116. ss. 4–8. and 22 & 23 Vict. c. 5.

4. Sections four, five, six, seven, and eight of the Act of the session of the second and third years of William the Fourth, chapter one hundred and sixteen, "to provide for the salaries of certain "high and judicial officers, and payments hitherto made out of the "civil list revenues," and so much of sections twelve and thirteen of the same Act as relates to diplomatic salaries, allowances, and

A.D. 1869.

pension, and the whole of the Act of the session of the twenty-second and twenty-third years of the reign of Her present Majesty, chapter five, "to remove doubts as to the qualification of persons holding diplomatic pensions to sit in Parliament," are hereby repealed, as from the commencement of this Act.

Provided that this repeal shall not affect any pensions now payable under the said Act; and those pensions shall be paid out of the consolidated fund, and the accounts thereof shall be laid before Parliament in the same manner as if this Act had not passed.

Salaries, pensions, &c. payable out of annual votes.

5. After the commencement of this Act all salaries, allowances, and pensions (other than pensions granted before the commencement of this Act,) payable to persons in Her Majesty's diplomatic service shall be paid out of moneys provided by Parliament, and shall be paid on such days and in such manner as the Treasury may, with the consent of the Secretary of State, from time to time appoint.

Amounts of diplomatic pensions.

6. After the commencement of this Act the Treasury, on the recommendation of the Secretary of State may grant pensions during life to persons in Her Majesty's diplomatic service, not exceeding the salary which the pensioner may be receiving at the time that his active employment ceases, and not exceeding the following amounts; namely,

(1.) *One thousand seven hundred* pounds per annum for a first-class pension:

(2.) *One thousand three hundred* pounds per annum for a second-class pension:

(3.) *Nine hundred* pounds per annum for a third-class pension:

(4.) *Seven hundred* pounds per annum for a fourth-class pension.

Qualifications for pension.

7. With respect to the qualifications for pensions under this Act, the following provisions shall have effect:

(1.) A person shall not be qualified for receiving a pension of any class, until the expiration of *fifteen* years from the date of his first commission, and unless he has actually served in some foreign state or states, either continuously or on different occasions, during a time amounting in the aggregate to *ten* years:

(2.) A person shall not be qualified for receiving a pension of the first class unless he has been an ambassador, and in that capacity has actually resided in some foreign state or states, either continuously or on different occasions, during a time amounting in the aggregate to *three* years:

(3.) A person shall not be qualified for receiving a pension of the second class unless he has been an envoy extraordinary and minister plenipotentiary on a mission of the first class, and in that capacity has actually resided in some foreign state or states, either continuously or on different occasions, during a time amounting in the aggregate to *five* years:

(4.) A person shall not be qualified for receiving a pension of the third class unless he has been an envoy extraordinary and minister plenipotentiary on a mission of the second-class, or a minister plenipotentiary, or a minister resident, or a chargé d'affaires and consul general in some foreign state or states, or a chargé d'affaires in some foreign state or states where no other diplomatic representative is usually appointed to reside on behalf of Her Majesty, or an agent and consul general in some foreign state or states where his duties have been generally of a political character, and in one or more of those capacities has actually resided in some foreign state or states, either continuously or on different occasions, during a time amounting in the aggregate to *five* years.

(5.) A period of residence in any capacity which if continued would be a qualification for any class of pension may count as part of the qualification for a lower class of pension.

Pension to invalided secretaries.

8. Where a person holding a commission as second or third secretary in Her Majesty's diplomatic service is constrained, from infirmity of mind or body, to leave that service before the completion of the period which would qualify him for a pension under the other provisions of this Act, the Treasury may grant to him an allowance during his life, not exceeding for each year of his service in the said capacities, or one of them (if he has only served in one), one thirtieth part of the amount of the annual salary which he may be receiving at the time that he leaves the service.

Allowance in case of bodily injury.
22 Vict. c. 26. s. 5.

9. Where a person in Her Majesty's diplomatic service, by reason of severe bodily injury, occasioned without his own default in the discharge of his duty, is constrained to leave that service before the completion of the period which would qualify him for a pension under the other provisions of this Act, the Treasury may grant to him a gratuity not exceeding the amount of three months salary for every two years of service, or a pension not exceeding ten sixtieths of the annual salary which he may be receiving at the time that he leaves the service.

Temporary pension on rupture of diplomatic relations.

10. Where a person in Her Majesty's diplomatic service, who is serving in any foreign state in any capacity, and is, by reason of war or any interruption of diplomatic relations, withdrawn from active service before he has completed the term of service and period of residence which, under the provisions of this Act, would entitle him to a pension for having served in such capacity, the Treasury, at the request of the Secretary of State, may grant to him a temporary allowance calculated on the rate of pension which he would have earned if he had continued to reside in such capacity, regard being had to the length and character of his services.

Every such allowance shall cease from the date of the ratification of a treaty of peace or the renewal of diplomatic relations.

Forfeiture of pension on refusal to serve again.

11. If any person who is in receipt of a pension or temporary allowance under this Act, and has not attained the age of sixty years, and is not incapacitated by infirmity of mind or body (proved to the satisfaction of the Secretary of State, by a medical certificate or otherwise), refuses, when required so to do by the Secretary of State, to proceed to any mission which is of the same rank as that in respect of which his pension was granted, or to some mission of higher rank, he shall forfeit his right to the pension and allowance.

Suspension of payment on holding other offices.

12. Where a person having any pension or allowance under this Act is appointed to any office of profit under the Crown, or to any office the salary of which is payable out of the Consolidated Fund or moneys provided by Parliament, whether such office is in the United Kingdom or not, his pension and allowance, so long as he continues to hold such office, shall, if the emoluments of such office are larger than the pension or allowance, be suspended, and if the emoluments of such office are less than the pension or allowance, be diminished by the amount of such emoluments.

Determination of class of missions.

13. It shall be lawful for Her Majesty from time to time to determine the foreign states the envoys extraordinary and ministers plenipotentiary at which are thereafter to be deemed on first and second class missions respectively for the purposes of a pension under this Act.

Such determination shall be signified in writing under the hand of the Secretary of State to the Commissioners of Her Majesty's Treasury, and shall be laid before both Houses of Parliament within fourteen days after the signing thereof, if Parliament be then sitting, and if Parliament be not then sitting, within fourteen days after the commencement of the next session.

The arrangement existing at the commencement of this Act as to such first and second class missions shall, until and except so far as altered under the provisions of this section, continue in force for the purposes of a pension under this Act.

Employment beyond limits of state.

14. Where a person in Her Majesty's diplomatic service is actually employed beyond the limits of the foreign state in which, under the terms of his credentials or commission, he should properly reside, and is so employed on a special diplomatic mission or service, whether in or out of Her Majesty's dominions, or (being a second or third secretary) is so employed in the department of Foreign Affairs in London, he shall, for the purposes of a pension under this Act, be deemed during the time that he is so actually employed to have been actually residing in such foreign state.

Pension on transfer from civil to diplomatic service, and vice versâ.

22 Vict. c. 26.

15. Where a person in the consular service or in any other branch of the civil service of the state is appointed to some employment in the diplomatic service, or where a person in the diplomatic service is appointed to some employment in the civil service of the state in the department of Foreign Affairs in London, and such person may suffer prejudice in regard to his retiring allowance by reason of his not continuing in his former service, the Treasury may award to him on his retirement from active service such pension or superannuation allowance under this Act and the Superannuation Act, 1859, or one of them, as in their opinion will prevent his suffering such prejudice and is just, having regard to his services; but save as aforesaid a person receiving a pension under this Act shall not be entitled to any superannuation allowance under the Superannuation Act, 1859.

Pension, &c. to be free from taxes.

16. Every pension, allowance, and gratuity under this Act shall be paid to the person entitled to the same without any abatement or deduction in respect of any taxes or duties at present existing, except the tax upon income.

Pensioner may sit in House of Commons. 22 & 23 Vict. c. 5.

17. A pension under this Act shall not disqualify the holder for being elected or sitting or voting as a member of the House of Commons.

Diplomatic Salaries, &c.

A

BILL

To provide for the payment of Diplomatic Salaries, Allowances, and Pensions.

(*Prepared and brought in by*
Mr. Dodson, Mr. Chancellor of the Exchequer,
and Mr. Stansfeld).

Ordered, by The House of Commons, *to be Printed*
11 *May* 1869.

[Bill 118.]

Under 1 *oz.*

A

B I L L

FOR

Facilitating the Payment of Dividends on the Public Stocks, and for making regulations with respect thereto.

A.D. 1869.

WHEREAS it is expedient to give greater facilities for the payment of dividends on the public stocks, and to make further regulations in respect thereto:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title of Act.

1. This Act may be cited for all purposes as "The Dividends and Stock Act, 1869."

Dividend warrants may be sent by post.

2. It shall be lawful for the Governor and Company of the Bank of England, herein-after called the bank, from time to time, with the sanction of the Commissioners of the Treasury, to make arrangements for sending through the post warrants for the dividends due on any stocks.

Effect of posting a warrant.

3. Every stockholder desirous of having his dividend warrants sent to him by post shall make a request accordingly in writing to the bank, such writing to be signed by him, and to be in a form approved by the bank and by the said commissioners, and shall give to the bank an address in the United Kingdom to which the letters containing such warrants are from time to time to be sent, and the posting by the bank of any letter addressed to a stockholder at his request at the address given by him to the bank, and containing a dividend warrant, shall, as respects the liability of the bank, be equivalent to the delivery of such warrant to the stockholder himself.

Change of day on which dividends on stocks fall due.

4. The half-yearly dividends due on any public stocks which at the time of the passing of this Act fall due on the tenth of October in each year shall from and after the passing of this Act become due on the *fifth of October* instead of the tenth of October.

Audit of dividends.

5. The Treasury may from time to time make regulations as to the mode in which the audit of the accounts relating to dividends

A.D. 1869.

on public stocks is to be held by the Commissioners for Auditing the Public Accounts, and may, if they think fit, dispense with such audit altogether.

Definitions.

6. In this Act "public stocks" shall mean and include any stock forming part of the National Debt, and transferable in the books of the bank:

"Stockholder" shall mean the proprietor of any share in the public stocks:

"Person" shall include corporation:

"United Kingdom" shall include the Channel Islands, the Isle of Man, and any other islands adjacent to any part of the United Kingdom:

"Warrant" shall include draft, order, cheque, or any other document used as a medium for payment of dividends.

Dividends on Public Stocks.

A

B I L L

For facilitating the payment of Dividends on the Public Stocks, and for making regulations with respect thereto.

(*Prepared and brought in by*
Mr. Stansfeld, and
Mr. Chancellor of the Exchequer.)

Ordered, by The House of Commons, *to be Printed,*
29 *July* 1869.

[Bill 247.]

Under 1 *oz.*

A

BILL

TO

Amend "The Drainage and Improvement of Lands (Ireland) Act, 1863," and to afford further facilities for the purposes thereof.

A.D. 1869.

WHEREAS an Act passed in the session of Parliament holden in the twenty-sixth and twenty-seventh years of Her Majesty, chapter eighty-eight, intituled "An Act to enable landed proprietors "to construct works for Drainage and Improvement of Lands in "Ireland:"

26 & 27 Vict. c. 88.

And whereas a further Act was passed in the session holden in the twenty-seventh and twenty-eighth years of Her Majesty, chapter seventy-two, explaining certain provisions contained in the said Act:

27 & 28 Vict. c. 72.

And whereas a further Act was passed in the session of Parliament holden in the twenty-eighth and twenty-ninth years of Her Majesty, chapter fifty-two, intituled "An Act to amend the Drainage "and Improvement of Lands Acts (Ireland), and to afford further "facilities for the purposes thereof:"

28 & 29 Vict. c. 52.

And whereas by the thirty-sixth section of the first of the said Acts it was provided that the Commissioners of Public Works in Ireland might make advances of public monies for the purpose of aiding in the completion of the drainage or improvement of works in any district; and by the thirty-eighth section of the same Act it was provided that no issue or instalment of any such loan or advance should be made unless the said commissioners should be satisfied that the drainage board had previously bonâ fide expended a sum of money equal to the amount of such issue or instalment in the drainage or improvement of such district, nor in any case should any such loan or advance be made exceeding one moiety of the monies proposed to be expended on the drainage and improvement of such district:

And by the thirty-ninth and the six next following sections of the said Act provision is made for the making by the same commissioners of a certain award therein called "the apportionment of

Sect. 39.

A.D. 1869.

expenses award," and for giving effect to the terms of such award :

Sect. 46.

And by the forty-sixth and five next following sections of the same Act provision is made for the making by the same commissioners of a certain other award to be called "the repayment of public advances award," and for giving effect to the terms of such last-mentioned award, and for the purpose of securing the repayment of any advances of public monies made in the manner so herein above referred to; and it is thereby provided that the said last-mentioned award shall specify the principal monies so advanced by the said commissioners, with interest thereon at the rate of four pounds per centum per annum, from the respective dates of such advances to the date of such award, and that such consolidated sum of principal and interest should be thereby apportioned amongst the respective proprietors in such districts, and on their lands respectively, and that the several lands mentioned in any such award should from the date thereof be charged with the payment to Her Majesty of an annual rentcharge of six pounds ten shillings for every one hundred pounds charged on such lands, to be payable for the term of twenty-two years, to be computed from the fifth day of April or tenth day of October, which should next happen after the date of such award, to be paid by equal half-yearly payments on the said fifth day of April and tenth day of October in every year, the first of such payments to be made on the second of such days which should happen after the date of such award:

Sect. 47.

And whereas by the "Drainage and Improvement of Lands Amendment Act (Ireland) 1865," aforesaid, so much of the said thirty-eighth section of the said first-recited Act as limited or restricted the amount of public monies to be advanced as aforesaid was repealed, and the said commissioners of public works were thereby empowered (with the sanction of the Commissioners of Her Majesty's Treasury), by such instalments, and subject to such rules and regulations as the said last-mentioned commissioners might think proper, to advance any sum or sums of money which the said commissioners of public works might think necessary and proper for execution of the works in any district, and for defraying the expenses which the said commissioners might consider properly connected therewith; provided that no second or subsequent instalment of any such loan should be made until it should have been proved to the satisfaction of the said commissioners of public works that the preceding instalment had been properly expended in the execution of the works in such district:

And whereas in certain cases in which districts have been constituted, and have been drained and improved under the provisions of the said Acts, the whole of the monies expended on such drainage and improvement of works have consisted of public monies advanced by the said commissioners of public works under the provisions of the same Acts, and it is anticipated that in other instances in which works for the drainage and improvement of other districts may be hereafter carried on in pursuance of the provisions of the same Acts, the whole of the monies required for such works may in like manner be advanced by the said commissioners:

And whereas it would be more convenient if, in all cases where the monies so expended on drainage or improvement of any district have consisted or shall consist of public monies, one award only shall be made, in which should be combined the several particulars required to be specified in the said two awards respectively as aforesaid:

And whereas in order to prevent the accumulation of interest chargeable in respect of the public advances aforesaid, it is expedient to alter and amend the provisions aforesaid, with respect to the period up to which interest on such public advances is directed to be calculated, and from which such rentcharge is directed to commence, in the manner herein-after contained:

And whereas by the seventy-second and the three next following sections of the same Act provision is made in certain cases for taking down, altering, removing, and rebuilding any existing bridge, culvert, or archway, for the discharge of water under any public road, and for certain other works in relation thereto:

And it is by the said section seventy-three provided that it shall be lawful for the said Commissioners of Public Works in Ireland to issue a certificate under their seal declaring the amount which the county within which such works shall be situate ought to contribute towards the expenses so incurred by the drainage board therein mentioned, and that such certificate shall be laid before the grand jury of the said county at the assizes next after the issuing of the same, and the grand jury of the said county is thereby authorized and required without any application to presentment sessions to present the amount mentioned in such certificate to be levied off the county at large, by such sums and at such times as shall be mentioned in such certificate, and to be paid to the said drainage board, and the same provision is also thereby made applicable where any such new bridge, culvert, or archway, shall be over any stream or river forming a boundary between two counties, and provision is also made for levying such sums by order of the court, in case any grand jury should refuse to make any such presentment:

And it would be more equitable in some cases if such expenses so incurred as aforesaid were charged upon a particular barony or particular baronies or half baronies of a county or counties, and not upon such county or counties at large; and it is expedient to make provision accordingly, and it would be more convenient if the monies to be paid by any county or counties, barony or baronies, half barony or half baronies as aforesaid, should in all cases when as aforesaid the whole or any part of the monies required for such works shall have been or shall hereafter be advanced out of the public monies, should be paid to the said commissioners of public works in Ireland:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Drainage and "Improvement of Lands Amendment Act, Ireland, 1869."

Where advances made by Commissioners of Public Works to district drainage boards, the said commissioners may make an award, setting forth land drained, money expended, &c.

2. In case any such loan or advance shall have been or shall be made to any drainage board of any district by the Commissioners of Public Works as aforesaid, and the monies expended on the drainage and improvement of such district shall have consisted or shall consist entirely of public monies so lent or advanced, then and in such case it shall be lawful for the said commissioners if they in their discretion shall think fit, on the completion of the works in the district within the period mentioned in the order of the commissioners, or within such further period as the commissioners may have appointed for the completion of the said works, or in case the works in any district shall not be completed within either of the periods aforesaid, then at such time as the commissioners shall think proper, to make an award, which shall describe in general terms, and by reference to maps and schedules, or otherwise as the commissioners shall think proper, the land or river drained or improved, and the works which shall have been completed, or so far as the same shall have been completed, and such award shall also specify the several quantities belonging to the reputed proprietors respectively of such land so drained or improved as aforesaid, and the original value, and the increase of the value of the land so drained or improved; and such award shall also specify the amount of the sums which shall have been expended upon and about the works which shall have been so executed for drainage or improvements by drainage, and which shall have been so advanced by the commissioners, and all other expenses incurred by the said commissioners about the same and interest on the same at the rate of four pounds per cent. per annum from the date of such advance or of such expenditure as aforesaid, up to and including the next preceding fifth day of April or tenth day of October, whichever of said gale days shall have happened next before the date of the said award, and such consolidated sum of principal and interest shall by such award be apportioned amongst the respective proprietors in such district and on their lands respectively, and such award shall specify the respective amounts of the gross sums of money and the rentcharges payable in respect of such loan, interest, and expenses as aforesaid, which shall be charged upon the said several parcels or portions of land as aforesaid, regard being had to the degree of benefit conferred or expected to be conferred upon the said several lands by the said several works within the said district. And the said commissioners may insert in every such award all such other determinations, matters, and things as they shall think necessary and proper, and the said commissioners shall also specify in every such award the proportions in which the land drained and improved as aforesaid; and the proprietors of such lands in respect thereof respectively for the time being shall in future be annually charged towards the costs and expenses which may from time to time be incurred in or about the maintaining, cleansing, and keeping in repair the several watercourses, sluices, drains, ditches, cuts, rivers, lakes, streams, tunnels, culverts, banks, bridges, outlets, weirs, embankments, fences, and other works executed under this Act, and shall also specify, according to such proportions as aforesaid, the rate which shall be payable towards such costs and expenses as last aforesaid, for the year next ensuing the date of such award, and the like proceedings in all respects shall be had with regard to the said award as are directed of and concerning the award to be made under the first recited Act, and called "the "district apportionment of expenses award."

Style of award.

3. The award so made shall and may be called "the "district apportionment of expenses, and repayment of public "advances consolidated award."

A.D. 1869.

Such lands to be charged with annual rentcharge to Her Majesty.

4. The several lands mentioned in any such award (as last aforesaid) shall, from the date of such award, become charged with the payment to Her Majesty of an annual rentcharge of six pounds ten shillings for every one hundred pounds charged on the said lands respectively, and so in proportion for any lesser amount, to be payable for the term of twenty-two years, to be computed from the fifth day of April or tenth day of October, whichever shall next precede the making of such award, such rentcharge to be paid by equal half-yearly payments, on the fifth day of April and tenth day of October in every year, the first of such payments to be made on the first of such days which shall happen after the date of such award: Provided always, that where the gross sum chargeable upon any particular parcel or denomination of lands in respect of any such advance of public monies shall not exceed the sum of one hundred pounds, it shall be lawful for the Commissioners of Public Works by their said award to fix and determine the instalments by which such sum, together with interest at the rate of four pounds per centum per annum from the date of such award, shall be repaid, and such instalments shall be charged and recovered in like manner as the rentcharge aforesaid.

All provisions as to rentcharges in recited Acts to apply to rentcharges under this Act.

5. All the provisions in the said several Acts contained or referred to respecting the rentcharges therein mentioned and payable to the said commissioners, and the securing, charging, paying, recovery, and priority of the same, shall be applicable to the rentcharges mentioned in the award so to be made by virtue of the provisions of this Act.

Commissioners to settle contributions in respect of proceedings under ss. 73, 74, and 75 of "Drainage and Improvement of Lands Act (Ireland), 1863."

6. The said commissioners in all proceedings under the said seventy-third, seventy-fourth, and seventy-fifth sections of the said "Drainage and Improvement of Lands Act (Ireland), 1863," may, if they shall so think fit, declare by their certificate that the amount of the expenses mentioned in the said seventy-third section should be contributed either by the county at large, or by any barony or baronies or half barony or half baronies of such county, or in cases of bridges, archways, or culverts over streams forming the boundaries between two counties, that such expenses should be contributed in equal moieties either by such two counties at large, or by any barony or baronies half barony or half baronies of such counties respectively, or either of them, and the amount mentioned in any such certificate shall be presented by such grand jury or grand juries as the case may be, to be levied off such county or counties, baronies or half baronies, according to the tenor of such certificate, and in case any grand jury of any county shall fail or refuse to present the sum mentioned in any such certificate according to the effect thereof, the court shall make an order directing the treasurer of such county to insert such sum in his warrant, to be levied off such county, or barony or baronies, half barony or half baronies thereof, as the case may be, and as if the same had been duly presented by such grand jury, and the same shall be levied accordingly.

Treasurers to pay amounts certified by commissioners.

7. In all cases in which the certificate of the said commissioners shall so direct, the amounts so levied as aforesaid shall be paid by the treasurer or treasurers of such county or counties to the said commissioners.

Provision as to damage caused to banks of drains by cattle.

8. From and after the *passing of this Act*, in all cases where the banks of any drain or river made, opened, or widened, deepened, or improved under the provisions of the aforesaid Acts of Parliament or of an Act passed in the session held in the fifth and sixth years of Her Majesty, chapter eighty-nine, and the Acts amending the same, shall be broken down or damaged by cattle grazing or being upon any lands abutting upon any such drain or river as aforesaid, by reason whereof such drain or river shall be dammed up or obstructed, the person or persons occupying the lands at the time of such damage shall be deemed to have committed an offence within the meaning of the twenty-third section of the "Drainage Maintenance Act, 1866."

Definition of term "court."

9. The court in the said firstly recited Act and this Act shall mean the court before which presentment traverses are tried at assizes.

Acts to be construed together.

10. This Act and the said several herein recited Acts shall be read together and construed as one Act.

Drainage and Improvement of Lands (Ireland) Act (1863) Amendment.

A

B I L L

To amend the Drainage and Improvement of Lands (Ireland) Act, 1863, and to afford further facilities for the purposes thereof.

(Prepared and brought in by
Mr. Ayrton and Mr. Chancellor of the Exchequer.)

Ordered, by The House of Commons, *to be Printed,*
9 *July* 1869.

[Bill 208.]

Under 1 *oz.*

A
BILL
TO

Confirm a Provisional Order under "The Drainage and Improvement of Lands (Ireland) Act, 1863," and the Acts amending the same.

A.D. 1869.

Preamble.

26 & 27 Vict. c. 88.

WHEREAS the Commissioners of Public Works in Ireland have, in pursuance of "The Drainage and Improvement of Lands Act (Ireland) 1863," and the Acts amending the same, duly made the provisional order contained in the schedule to this Act annexed; and it is by the said last-mentioned Act provided that no such order shall be of any validity whatsoever until it shall have been confirmed by Parliament, and it is expedient that the said order should be so confirmed:

Sect. 6. part 7.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Provisional order in schedule confirmed.

1. The provisional order contained in the schedule hereunto annexed is hereby confirmed, and from and after the *passing of this Act* shall be deemed to be a public general Act of Parliament, of the like force and effect as if the provisions of the same had been enacted in the body of this Act.

Short title.

2. This Act may be cited for all purposes as "The Drainage and Improvement of Lands Supplemental Act (Ireland) 1869."

SCHEDULE to which this Act refers.

Drainage and Improvement of Lands (Ireland) Provisional Order Confirmation.

Drainage and Improvement of Lands Act (Ireland), 1863, 26th and 27th Victoria, chapter 88, 27th and 28th Victoria, chapter 72, and 28th and 29th Victoria, chapter 52.

In the matter of the Doohyle drainage district, in the county of Limerick.

Whereas certain proprietors of and persons interested in the lands adjoining the Doohyle Lough, and along the course of its outfall to Ballingarrance Bridge, on or about the twenty-third day of March one thousand eight hundred and sixty-eight, presented their petition to the Commissioners of Public Works in Ireland under the provisions of the Drainage and Improvement of Lands Act (Ireland), 1863, and the Acts amending the same, accompanied by the proper schedules, maps, plans, sections, and estimates, together with other particulars and information required by the said Act, showing by reference to the said maps the boundaries and area of the proposed drainage district, and stating the exigencies rendering the formation of such drainage district necessary, and praying that said lands within the proposed district should be constituted a separate drainage district under the provisions of the said Acts: And whereas the said commissioners referred the same to Samuel U. Roberts, esquire, civil engineer, an inspector duly appointed under the said Acts: And whereas all notices and inquiries required by the said Act have been duly given and made, and the said inspector has duly reported to us the said commissioners, in writing, the result of his inquiries, and we the said commissioners have duly considered the same: And whereas no objection to the said report has been made to us: And whereas all preliminaries required by the said Act to precede the making of this provisional order have been performed and complied with: And whereas we, the said Commissioners of Public Works in Ireland, upon consideration of the premises, are satisfied of the propriety of constituting the proposed separate drainage district, and that the proprietors of two third parts in value of the lands in the proposed district are in favour thereof, and have subsequently to the date of the report of the said inspector assented thereto in writing:

Now, therefore, in pursuance of the power given to us by the said Acts, we, the Commissioners of Public Works in Ireland, do, by this provisional order under our common seal, constitute the area in the said petition and report, and the boundaries and extent of which are set forth within yellow lines on the map to which we have caused our common seal to be attached (and which map is deposited in the Office of Public Works in Ireland), a separate drainage district by the name of "The Doohyle drainage district;" and we do declare that the lands and other property to be purchased for or likely to be injured by the proposed works in such district, subject to such alterations or deviations therefrom as we the said commissioners may hereafter sanction, are the lands or other property in that behalf shown and set forth in the said map, and described in the schedule thereto annexed, marked with the letter B, and also sealed with our common seal; and we, the said Commissioners of Public Works, do, by this our order, order and direct that the time for the completion of the necessary works in the said district shall be limited to the first day of November which will be in the year one thousand eight hundred and seventy.

And we do further by this our provisional order make the following regulations with respect to the Drainage Board:

That the Drainage Board for the said district shall consist of four members:

That the following persons shall be the members of the first Drainage Board, viz.:

Robert E. Reeves, of Capard Rosenalig, Queen's County, esquire:
George Studdort, of Elm Hill, county Limerick, esquire:
Dickson Davenport, of Ballinacourty Pallaskenry, county Limerick, esquire:
John Vincent, of South Frederick Street in the city of Dublin, esquire:

That the first meeting of said board shall be summoned by notice under the hands of any two or more of the said board, published in the Dublin Gazette and some newspaper generally circulated in the said district at least fourteen days next before the day of meeting:

That the qualification of any subsequent member of the said board shall be that he shall be the proprietor (as defined by the said Act and the Acts referred to therein or incorporated therewith) of not less than twenty acres of land situate within the area of the said district, or the land agent for the time being of a person being a proprietor as aforesaid of not less than one hundred acres of land situate within the area of said district, and acting as receiver of the rents and profits of such lands:

That the members of the first board shall vacate their offices on the first Thursday in September in the year following the date of this provisional order:

That the electors for members of the Drainage Board shall be the persons in that behalf mentioned in the said last-mentioned Act: provided always, that no such elector shall be entitled to vote or exercise any privilege as such unless the lands of which he is the proprietor, or some portion thereof, shall be rateable on account of the works in the district, and he shall have previously paid all rates and arrears of rates which may be payable by him in respect of any drainage rate for the aforesaid district.

In witness whereof, we, the said Commissioners of Public Works in Ireland, have hereunto caused our common seal to be affixed this eighth day of January one thousand eight hundred and sixty-nine.

L.S.

E. Hornsby,
Secretary.

Office of Public Works, Dublin.

Drainage and Improvement of Lands (Ireland) Supplemental.

A

B I L L

To confirm a Provisional Order under "The Drainage and Improvement of Lands (Ireland) Act, 1863," and the Acts amending the same.

(Prepared and brought in by
Mr. Ayrton and Mr. Chichester Fortescue.)

Ordered, by The House of Commons, *to be Printed,*
16 *March* 1869.

[Bill 55.]

Under 1 *oz.*

A

BILL

TO

Confirm Provisional Orders under "The Drainage and Improvement of Lands (Ireland) Act, 1863," and the Acts amending the same.

A.D. 1869.

WHEREAS the Commissioners of Public Works in Ireland have, in pursuance of "The Drainage and Improvement of Lands Act (Ireland), 1863," and the Acts amending the same, duly made the Provisional Orders contained in the first and second parts of the schedule to this Act annexed, and it is by the said first-mentioned Act provided that no such orders shall be of any validity whatsoever until they shall have been confirmed by Parliament, and it is expedient that the said orders should be so confirmed:

26 & 27 Vict. c. 88.

s. 6. part 7.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Provisional Orders in schedule confirmed.

1. The Provisional Orders contained in the first and second parts of the schedule hereunto annexed are hereby confirmed, and from and after the *passing of this Act* shall be deemed to be a public general Act of Parliament of the like force and effect as if the provisions of the same had been enacted in the body of this Act.

Short title.

2. This Act may be cited for all purposes as "The Drainage and Improvement of Lands Supplemental Act (Ireland), 1869."

SCHEDULE to which this Act refers.

Part I.

Drainage and Improvement of Lands (Ireland) Provisional Orders Confirmation.

"Drainage and Improvement of Lands Act (Ireland), 1863," 26th and 27th Victoria, chapter 88; 27th and 28th Victoria, chapter 72; and 28th and 29th Victoria, chapter 52.

In the matter of "the Gully Drainage District" in the Queen's County.

Whereas certain proprietors of and persons interested in the lands adjoining the Gully River Drainage District, on or about the nineteenth day of March one thousand eight hundred and sixty-eight, presented their petition to the Commissioners of Public Works in Ireland, under the provisions of the Drainage and Improvements of Lands Act (Ireland), 1863, and the Acts amending the same, accompanied by the proper schedules, maps, plans, sections, and estimates, together with other particulars and information required by the said Acts, showing, by reference to the said maps, the boundaries and area of the proposed drainage district, and stating the inquiries rendering the formation of such drainage district necessary, and praying that the said lands within the proposed district should be constituted a separate drainage district under the provisions of the said Acts: And whereas the said Commissioners referred the same to Samuel U. Roberts, esquire, civil engineer, an inspector duly appointed under the said Acts: And whereas all notices and inquiries required by the said Act have been duly given and made, and the said inspector has duly reported to us the said commissioners in writing the result of his inquiries, and we the said commissioners have duly considered the same, and no objections to the report of the said inspector have been made to us: And whereas all preliminaries required by the said Act to precede the making of this Provisional Order have been performed and complied with: And whereas we, the said Commissioners of Public Works in Ireland, upon consideration of the premises, are satisfied of the propriety of constituting the proposed separate drainage district, and that the proprietors of two third parts in value of the lands in the proposed drainage district are in favour thereof, and have subsequently to the date of the report of the said inspector assented thereto in writing: Now, therefore, in pursuance of the power given to us by the said Acts, we, the said Commissioners of Public Works in Ireland, do by this Provisional Order under our common seal constitute the area in the said petition and report, and the boundaries and extent of which are set forth within yellow lines in the map to which we have caused our common seal to be attached, and which map is deposited in the Office of Public Works in Ireland, a separate drainage district, by the name of the Gully Drainage District; and we do declare that the lands or other property to be purchased for or likely to be injured by the proposed works in such district (subject to such alterations and deviations therefrom as we the said commissioners may hereafter sanction) are the lands or other property in that behalf shown and set forth in the said map and described in the schedule thereto annexed marked with the letter B., and also sealed with our common seal; and we the said Commissioners of Public Works do by this our order order and direct that the time for completion of the necessary works in the said district shall be limited to the first day of October which will be in the year one thousand eight hundred and seventy-one; and we do further by this our Provisional Order make the following regulations with respect to the drainage board.

That the drainage board for the said district shall consist of nine members.

That the following persons shall be the members of the first drainage board; viz.,

The Right Honorable Thomas Viscount de Vesci, of Abbeyleix House, Abbeyleix, in the Queen's County:
The Right Honorable John Wilson Fitzpatrick, of Granstown Manor, Ballacolla, Abbeyleix, in the Queen's County:
Peter Roe, of Castle Iney House, Templemore, in the county of Tipperary, esquire:
Robert Staples, of Dunmore, Durrow, in the Queen's County, esquire:
Robert Hamilton Stubber, of Moyne House, Durrow, in the Queen's County, esquire:
Edmond Lombard Swan, of Allworth, Abbeyleix, in the Queen's County, esquire:
Mathew H. Franks, of Westfield, Mountrath, in the Queen's County, esquire:
Arthur St. George, of Fentore, Ballacolla, Abbeyleix, in the Queen's County, esquire:
Robert C. Hamilton, of Oatlands, Abbeyleix, in the Queen's County, esquire.

That the first meeting of the said board shall be summoned by notice under the hands of any two or more of the said board, published in the Dublin Gazette and some newspaper generally circulated in the said district, at least fourteen days next before the day of meeting.

That the qualification of any subsequent member of the said board shall be that he shall be the proprietor, as defined by the said Act and the Acts referred to therein or incorporated therewith, of not less than twenty acres of land situate within the area of the said district, or the land agent for the time being of a person being a proprietor as aforesaid of not less than one hundred acres of land situate within the area of said district, and acting as receiver of the rents and profits of such lands.

A.D. 1869.

That the members of the first board shall vacate their offices on the first Thursday in September in the year following the date of this Provisional Order.

That the electors for members of the drainage board shall be the persons in that behalf mentioned in the said last-mentioned Act: Provided always, that no such elector shall be entitled to vote or exercise any privilege as such unless the lands of which he is the proprietor, or some portion thereof, shall be rateable on account of the works in the district, and he shall have previously paid all rates and arrears of rates which may be payable by him in respect of any drainage rate for the aforesaid district.

In witness whereof we, the said Commissioners of Public Works in Ireland, have hereunto caused our common seal to be affixed, this twenty-fourth day of April one thousand eight hundred and sixty-nine.

E. Hornsby, (Seal.)
Secretary.

Office of Public Works,
Dublin.

Part 2.

Drainage and Improvement of Lands (Ireland) Provisional Orders Confirmation.

Drainage and Improvement of Lands Act (Ireland), 1863, 26 & 27 Vict. c. 88; 27 & 28 Vict. c. 72; and 28 & 29 Vict. c. 52.

In the matter of "the Island Lakes and Glore River Drainage District," in the county of Mayo.

Whereas certain proprietors of and persons interested in the lands adjoining the Island Lakes and Glore River Drainage District, on or about the thirtieth day of November one thousand eight hundred and sixty-seven, presented their petition to the Commissioners of Public Works in Ireland, under the provisions of "the Drainage and Improvement of Lands Act (Ireland), 1863," and the Acts amending the same, accompanied by the proper schedules, maps, plans, sections, and estimates, together with other particulars and information required by the said Acts, showing, by reference to the said maps, the boundaries and area of the proposed drainage district, and stating the exigencies rendering the formation of such drainage district necessary, and praying that the said lands within the proposed district should be constituted a separate drainage district under the provisions of the said Acts: And whereas the said commissioners referred the same to Samuel U. Roberts, esquire, civil engineer, an inspector duly appointed under the said Acts: And whereas all notices and inquiries required by the said Act have been duly given and made; and the said inspector has duly reported to us the said commissioners in writing the result of his inquiries, and we the said commissioners have duly considered the same: And whereas we the said commissioners have also considered the objections to said report: And whereas all preliminaries required by the said Act to precede the making of this Provisional Order have been performed and complied with: And whereas we, the said Commissioners of Public Works in Ireland, upon consideration of the premises, are satisfied of the propriety of constituting the proposed separate drainage district, and that the proprietors of two third parts in value of the lands in the proposed drainage district are in favour thereof, and have subsequently to the date of the report of said inspector assented thereto in writing.

Now, therefore, in pursuance of the power given to us by the said Acts, we, the said Commissioners of Public Works in Ireland, do by this Provisional Order under our common seal constitute the area in the said petition and report, and the boundaries and extent of which are set forth within yellow lines on the map to which we have caused our common seal to be attached, and which map is deposited in the Office of Public Works in Ireland, a separate drainage district by the name of "The Island Lakes and Glore River Drainage District;" and we do declare that the lands or other property to be purchased for or likely to be injured by the proposed works in such district, subject to such alterations or deviations therefrom as we the said commissioners may hereafter sanction, are the lands or other property in that behalf shown and set forth in the said map and described in the schedule thereto annexed marked with the letter B., and also sealed with our common seal: And we the said Commissioners of Public Works do by this our order order and direct that the time for the completion of the necessary works in the said district shall be limited to the first day of October which will be in the year of our Lord one thousand eight hundred and seventy-one.

And we do further by this our Provisional Order make the following regulations with respect to the drainage board:—

That the drainage board for the said district shall consist of seven members.

That the following persons shall be the members of the first drainage board; viz.,—

Philip Taaffe, of Woodfield, Kilkelly, in the county of Mayo, esquire:

Richard I. O'Grady, of Taurane, Kilkelly, in the county of Mayo, esquire:

Charles Strickland, of Loughglyn House, Castlerea, in the county of Mayo, esquire:

Patrick D. Tyrrell, of Annagh, Ballyhaunis, in the county of Mayo, esquire:

Edmund C. Kelly, of Churchfield, Ballyhaunis, in the county of Mayo, esquire:

James Davis, of Abbeyquarter, Ballyhaunis, in the county of Mayo, esquire:

Paul Davis, of Coogue, Ballyhaunis, in the county of Mayo, esquire.

A.D. 1869.

That the first meeting of said board shall be summoned by notice under the hands of any two or more of the said board, published in the Dublin Gazette and some newspaper generally circulated in the said district, at least fourteen days next before the day of meeting:

That the qualification of any subsequent member of the said board shall be that he shall be the proprietor (as defined by the said Act and the Acts referred to therein or incorporated therewith) of not less than twenty acres of land situate within the area of the said district, or the land agent for the time being of a person being a proprietor as aforesaid of not less than one hundred acres of land situate within the area of said district, and acting as receiver of the rents and profits of such lands:

That the members of the first board shall vacate their offices on the first Thursday in September in the year following the date of this Provisional Order:

That the electors for members of the drainage board shall be the persons in that behalf mentioned in the said last-mentioned Act: Provided always, that no such elector shall be entitled to vote or exercise any privilege as such unless the lands of which he is the proprietor or some portion thereof shall be rateable on account of the works in the district, and he shall have previously paid all rates and arrears of rates which may be payable by him in respect of any drainage rate for the aforesaid district.

In witness whereof we, the said Commissioners of Public Works in Ireland, have hereunto caused our common seal to be affixed, this Twenty-fourth day of April one thousand eight hundred and sixty-nine.

E. Hornsby, (Seal.)
Secretary.

Office of Public Works,
Dublin.

Drainage and Improvement of Lands (Ireland), Supplemental (No. 2).

A

B I L L

To confirm Provisional Orders under "The Drainage and Improvement of Lands (Ireland) Act, 1863," and the Acts amending the same.

(*Prepared and brought in by Mr. Ayrton and Mr. Glyn.*)

Ordered, by The House of Commons, *to be Printed*,
8 *June* 1869.

[Bill 151.]

Under 1 *oz.*

A

BILL

FOR

Appointing Commissioners to inquire into the existence of corrupt Practices amongst the Freemen Electors of the city of Dublin.

A.D. 1869.

WHEREAS the Right Honourable William Keogh, one of the judges of the Court of Common Pleas at Dublin, appointed under and by virtue of the provisions of "The Parliamentary Elections Act, 1868," to try the matter of a certain petition complaining of the undue election of a member to serve in Parliament for the county of the city of Dublin at the election holden for the said county of the city of Dublin on the eighteenth day of November one thousand eight hundred and sixty-eight, did in pursuance of the provisions of the said Parliamentary Elections Act, 1868, at the conclusion of the trial of the said matter report to the Right Honourable the Speaker of the House of Commons that he had reason to believe that corrupt practices had extensively prevailed amongst the freemen voters at the said election for the said county of the city of Dublin; and that, save as respecting the said freemen, corrupt practices had not been shown to have extensively prevailed, nor was there any reason to believe that corrupt practices had extensively prevailed at the said election:

And whereas it is expedient that an inquiry should be made by commissioners, to be specially appointed for that purpose, as to the existence, nature, and extent of corrupt practices amongst the freemen electors of the said city of Dublin:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Commissioners appointed.

1. Hugh Law, Esquire, one of Her Majesty's counsel, Charles Henry Tandy, Esquire, one of Her Majesty's counsel, and William O'Connor Morris, Esquire, barrister-at-law, shall be com-

A.D. 1869.

missioners for the purpose of making inquiry into the existence, nature, and extent of corrupt practices amongst the freemen electors of the said city of Dublin.

Powers of commissioners.

2. The said commissioners shall have all and every the powers, authorities, and privileges, and the proceedings in relation to and upon such inquiry shall be had and taken in all respects as if the said commissioners had been appointed under the provisions of the Act of the fifteenth and sixteenth years of Victoria, chapter fifty-seven, and all and every the provisions of the said Act, so far as the same are consistent herewith, shall apply in all respects for the purposes of this Act, as if the said Commissioners had been appointed thereunder.

Dublin Freemen Commission.

A

BILL

For appointing Commissioners to inquire into the existence of corrupt Practices amongst the Freemen Electors of the city of Dublin.

(Prepared and brought in by
Mr. Attorney-General for Ireland,
and Mr. Chichester Fortescue.)

Ordered, by The House of Commons, *to be Printed,*
1 *July* 1869.

[Bill 189.]

Under 1 *oz.*

A

B I L L

FOR

Disfranchising the Freemen of the City of Dublin.

A.D. 1869.

Preamble.

WHEREAS the Right Honourable William Keogh, one of the judges of the Court of Common Pleas at Dublin, appointed under and by virtue of the provisions of "The Parliamentary Elections Act, 1869," to try the matter of a certain petition complaining of the undue election of a member to serve in Parliament for the county of the city of Dublin at the election holden for the said county of the city of Dublin on the eighteenth day of November one thousand eight hundred and sixty-eight, did in pursuance of the provisions of the said Parliamentary Elections Act, 1869, at the conclusion of the trial of the said matter report to the Right Honourable the Speaker of the House of Commons that he had reason to believe that corrupt practices had extensively prevailed amongst the freemen voters at the said election for the said county of the city of Dublin:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

No freeman to vote in future as such at elections in Dublin.

1. From and after the passing of this Act no freeman of the city of Dublin shall be entitled to vote as such in any election of a member or members to serve in Parliament for the said county of the city of Dublin.

Repeal of Acts as regards freemen in Dublin.

2. From and after the passing of this Act there shall be repealed all the provisions of any Act or Acts relating to the qualification or registration of persons entitled to vote in the election of a member or members to serve in Parliament for any city, town, or borough, so far as the same relate to the qualification and registration of persons on the freemans roll for the city of Dublin.

A.D. 1869.

Precepts, &c. in Dublin to be made conformable to this Act.

3. From and after the passing of this Act all precepts, instruments, and proceedings relating to the registration of voters in the county of the city of Dublin shall be framed in such manner and form as may be necessary for carrying the provisions of this Act into effect.

Provisions as to registration of freemen claiming under other franchise in 1869.

4. The following provisions shall apply to the formation and revision of the lists of voters in the county of the city of Dublin in the year one thousand eight hundred and sixty-nine:

1. Where the name of any freeman of the said county of the city of Dublin shall in the year one thousand eight hundred and sixty-nine have been omitted in any list of voters for the said county of the city of Dublin (other than the list of persons on the freeman's roll), and such freeman shall claim as having been entitled on the twentieth day of July in the said year to have his name inserted therein; the time for giving notice to the Town Clerk of a claim shall, in such case, extend to the fourteenth day of August instead of the fourth day of August;
2. The time during which the rate books may be inspected by persons whose names shall be on any list of voters for the said county of the city of Dublin in the year one thousand eight hundred and sixty-nine, and by persons who shall have claimed to have their names inserted in any such lists, shall extend to the twenty-eighth day of August instead of the twentieth day of August;
3. Notice of objection to any claims made under the provisions of this Act shall be given on or before the twenty-eighth day of August to the town clerk of the said city of Dublin and to the person objected to, and such notices shall be according to the form prescribed by the Registration Acts in regard to notices of objection or to the like effect.
4. The town clerk of the said city of Dublin shall make, sign, and publish special lists of persons making claims under the provisions of this Act and of persons objecting to such claims on or before the nineteenth day of August and the thirtieth day of August respectively, and he shall deliver copies of the said lists respectively, signed by him, to the clerk of the peace of the said county of the city of Dublin on or before the fourth day of September, and such special lists shall be made and published in like manner with the like particulars and according to the form or to the like

effect as if the same were lists made and published under the provisions of the Registration Acts;

5. The clerk of the peace of the said county of the city of Dublin shall transmit an abstract of the special lists, by this Act directed to be made, to the revising barristers for the said city of Dublin, as soon as possible after the fourth and before the eighth day of September one thousand eight hundred and sixty-nine, and at the courts to be holden for the revision of the lists of voters for the said city of Dublin in the said year, the said special lists shall be revised in addition to the other lists prepared under the provisions of the Registration Acts, and shall be deemed to be part of the same;

And all the provisions of the Registration Acts shall, save as herein otherwise provided, be deemed to be incorporated with and to form part of this Act.

Interpretation "Registration Acts."

5. The term "Registration Acts" in this Act means and includes the Act of the thirteenth and fourteenth years of the reign of Her present Majesty, chapter sixty-nine, and all other Acts or parts of Acts relating to the qualification or registration of persons entitled to vote at the election of members to serve in Parliament for any county, city, town, or borough, in Ireland.

Dublin Freemen Disfranchisement.

A

B I L L

For disfranchising the Freemen of the City of Dublin.

(Prepared and brought in by
Sir George Grey, Mr. O'Reilly, and
Mr. Whitbread.)

Ordered, by The House of Commons, *to be Printed,*
17 *June* 1869.

[Bill 168.]

Under 1 *oz.*

A

B I L L

FOR

The confirmation and execution of arrangements made between the Secretary of State in Council of India and the East India Irrigation and Canal Company; and for other purposes connected therewith.

A.D. 1869.

WHEREAS the East India Irrigation and Canal Company (in this Act and the schedule thereto called the company) were by the East India Irrigation and Canal Act, 1861, incorporated for the purposes therein mentioned, including the following; namely,—

The construction, improvement, maintenance, and management of works for the irrigation of land, combined, wherever such combination might be considered practicable and advantageous, with navigable canals, and of navigable canals, within the dominions of Her Majesty the Queen known as the East Indies, or in any of the adjacent states and territories:

The rendering navigable and improving the navigation of rivers or waters within such dominions, states, and territories:

The construction, improvement, maintenance, and management of works for the supply of water, and the supply of water to the Secretary of State in Council of India or the supreme or any of the local governments of India, or to any body or person:

The obtaining of all powers, the entering into all contracts, and the doing of all things expedient for or incidental, necessary, or conducive to the attainment of those purposes or any or either of them, either by the company alone, or jointly with any other company, or in conjunction with the Secretary of State in Council, or the supreme or any of the local or native governments of India, or any other body or person;

with a proviso that only such of the purposes aforesaid should be carried into operation as should be agreed on between the company and the Secretary of State in Council, or the supreme or any of the local governments of India:

And whereas by agreement with the Secretary of State in Council the company undertook the execution of a scheme of

A.D. 1869. works for irrigation, navigation, and supply of water and other purposes in the districts and deltas of the rivers Mahanuddy, Byturny, and Brahmany, in the province of Orissa, and their affluents, and a main irrigation and navigable canal to connect those works with Calcutta, with subsidiary channels necessary to irrigate and accommodate with means of water transport the lands of the districts through which the main canal would pass, which scheme of works is known as the Orissa undertaking:

And whereas by The East India Irrigation and Canal Act, 1866, provision was made to the effect that the Orissa undertaking should be deemed a separate undertaking of the company, and that the capital then already issued by the company should be appropriated for the purposes of that undertaking, and, with all further capital which the company might thereafter issue for that undertaking, should be called the Orissa capital, and should be kept separate and distinct from the other capital of the company, and that the income to be derived from the outlay of that capital should be kept separate and distinct from the other income of the company:

And whereas by another agreement with the Secretary of State in Council the company undertook the execution of a scheme of works (similar in character to those of the Orissa undertaking) in the province of Behar, starting from the Soane river, and embracing territory between that river and Chunar on the one side, and Patna on the other side, which scheme of works is known as the Behar undertaking:

And whereas it having appeared to the Secretary of State in Council and to the company expedient that the company should transfer to the Secretary of State in Council the Orissa undertaking and the Behar undertaking, and all the rights and interests of the company therein respectively, agreements for such transfer have been made on the terms appearing in the three instruments described in the schedule to this Act, and those instruments purport to carry into effect or to provide for such transfer; but doubts have been raised whether the company had power to enter into the said agreements, and it is expedient that provision be made by authority of Parliament for the execution thereof:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as The East India Irrigation and Canal Act, 1869.

Confirmation of agreements in schedule.

2. The three several instruments described in the schedule to this Act (in this Act referred to as the scheduled instruments) are hereby confirmed as on and from their respective dates, and the same shall be, and shall as from those dates respectively be deemed to have been, valid as between the Secretary of State in Council and the company and binding on them respectively, and shall be carried into execution accordingly.

Receipt to Secretary of State.

3. A receipt under the common seal of the company, countersigned by the secretary of the company, for any money payable by the Secretary of State in Council to the company or the directors thereof, under the scheduled instruments or any of them, shall effectually discharge the Secretary of State in Council from the money therein expressed to be received, and from all liability in respect thereof; and the Secretary of State in Council shall not be concerned to see to the application or responsible for any loss or misapplication thereof.

Application of money paid for Orissa undertaking.

4. The directors of the company shall hold all principal money by the first-mentioned of the scheduled instruments stipulated to be paid to them for and on behalf of the shareholders in the Orissa undertaking by the Secretary of State in Council, when the same is received by them, and all interest received by them in respect thereof from the Secretary of State in Council, on trust to distribute the same among the holders of shares or stock in the Orissa capital, their executors, administrators, or assigns, rateably according to the amounts paid on or in respect of their shares or stock.

Who to be deemed shareholders.

5. The persons who appear in the books of the company to be proprietors of shares or stock in the Orissa capital shall, unless the contrary is proved to the satisfaction of the directors of the company, be considered to be holders of shares or stock in the Orissa capital for the purposes of the distribution of money in pursuance of this Act; and where any share in the Orissa capital has been declared forfeited by the company, but has not been sold, the same shall for the purposes of the scheduled instruments, but not further or otherwise, be deemed to have reverted as on the twenty-seventh day of November one thousand eight hundred and sixty-eight to the person to whom the same belonged at the time of forfeiture.

Receipts of executors, &c. discharges.

6. The receipt of an executor or administrator of a deceased holder of any share or stock in the Orissa capital, and the receipt of any person competent under the Acts relating to the company to

A.D. 1869.

give a discharge to the company for any money payable in respect of any such share or stock, shall be an effectual discharge to the company and to the directors thereof for any money payable under this Act in respect of any such share or stock and in any such receipt expressed to be received, and shall exonerate the company and the directors thereof from any obligation affecting the share or stock in respect of which such money is paid, or in anywise relating to that money.

Discontinuance of Orissa capital.

7. On receipt by the several holders of shares or stock in the Orissa capital of their respective proportions of the money distributable among them under the scheduled instruments or any of them, those several shareholders or stockholders (except such of them as are for the time being acting as members of a committee for executing any resolution passed by the company before the passing of this Act under or in contemplation of the scheduled instruments or any of them) shall respectively cease to be members of the company as holders of such shares or stock; and as soon as all money received by the directors of the company in respect of the Orissa undertaking under the scheduled instruments or any of them has been distributed in manner directed by the scheduled instruments or any of them or by this Act, and the affairs of the Orissa undertaking have been wound up, then by virtue of this Act the Orissa undertaking shall cease to be part of the undertaking of the company, and the Orissa capital shall cease to exist, and the holders of shares or stock therein (excepted as aforesaid) shall cease to be as such members of the company.

The SCHEDULE to which the foregoing Act refers.

A.D. 1869.

INSTRUMENTS CONFIRMED.

1. Articles of agreement dated the 30th day of November 1868, made between the Secretary of State in Council of the one part and the company of the other part, being under the hands and seals of William Urquhart Arbuthnot and Sir Robert Montgomery, K.C.B., G.C.S.I., two members of the Council of India, on behalf of the Secretary of State in Council, and under the seal of the company.

2. An Indenture dated the 21st day of December 1868, made between the company of the one part and the Secretary of State in Council of the other part, being under the seal of the company, and under the hands and seals of William Urquhart Arbuthnot and Sir Robert Montgomery, K.C.B., G.C.S.I., two members of the Council of India, on behalf of the Secretary of State in Council.

3. Articles of agreement dated the 21st day of December 1868, indorsed on the first-mentioned articles of agreement, and made between the same parties as those articles, being under the hands and seals of William Urquhart Arbuthnot and Sir Robert Montgomery, K.C.B., G.C.S.I., two members of the Council of India, on behalf of the Secretary of State in Council, and under the seal of the company.

East India Irrigation and Canal Company.

A

BILL

For the confirmation and execution of arrangements made between the Secretary of State in Council of India and the East India Irrigation and Canal Company; and for other purposes connected therewith.

(*Prepared and brought in by*
Mr. Grant Duff and Mr. Stansfeld.)

Ordered, by The House of Commons, *to be Printed,*
19 *February* 1869.

[Bill 8.]

Under 1 *oz.*

East India Loan Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Power to the Secretary of State in Council of India to raise any sum not exceeding eight millions.
2. Bonds may be issued under the hands of two members of the Council, countersigned by Secretary of State or one under secretary.
3. Debentures may be issued.
4. As to payment of principal and interest on debentures.
5. Debentures transferable by delivery or deed. Coupons by delivery.
6. Capital stock and annuities may be created and issued.
7. Transfer books of such capital stock and annuities to be kept.
8. Annuities personal estate.
9. The whole amount charged on revenue of India not to exceed eight millions.
10. Four million pounds to be applied for construction of railways in India.
11. Power to raise money for payment of principal money.
12. Securities, &c. to be charged on revenues of India.
13. Provisions as to composition for stamp duties on India bonds extended to bonds and debentures under this Act.
14. Forgery of debentures to be punishable as forgery of East India bonds.
15. Returns to be annually prepared of monies raised on loan, &c., and presented to Parliament.
16. Saving powers of the Secretary of State in Council.

A

BILL

TO

Enable the Secretary of State in Council of India to raise Money in the United Kingdom for the Service of the Government of India.

A.D. 1869.

WHEREAS the exigencies of the public service in India require that the Secretary of State in Council of India should be enabled to raise money in the United Kingdom on the credit of the revenues of India:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power to the Secretary of State in Council of India to raise any sum not exceeding eight millions.

1. It shall be lawful for the Secretary of State in Council of India, at any time or times before the *thirtieth day of April one thousand eight hundred and seventy-two*, or, if Parliament be then sitting, before the end of the then session of Parliament, to raise in the United Kingdom, for the service of the Government of India, any sum or sums of money not exceeding in the whole *eight millions* of pounds sterling, and such sum or sums may be raised by the creation and issue of bonds or debentures, or capital stock bearing interest, or annuities, or partly by one of such modes and partly by another or others.

Bonds may be issued under the hands of two members of the Council, countersigned by Secretary of State or one under secretary.

2. All bonds issued under the authority of this Act may be issued under the hands of two members of the Council of India, and countersigned by the Secretary of State for India, or one of his under secretaries, or his assistant under secretary, and shall be for such respective amounts, payable after such notice, and at such rate or rates of interest as the said Secretary of State in Council may think fit.

Debentures may be issued.

3. All debentures issued under the authority of this Act may be issued under the hands of two members of the Council, and countersigned as aforesaid, for such respective amounts, and at such rate or rates of interest, as the Secretary of State in Council may think fit,

A.D. 1869.

and shall be issued at or for such prices and on such terms as may be determined by the Secretary of State in Council.

As to payment of principal and interest on debentures.

4. All debentures issued under the authority of this Act shall be paid off at par at a time or times to be mentioned in such debentures respectively; and the interest on all such debentures shall be paid half-yearly on such days as shall be mentioned therein; and the principal monies and interest secured by such debentures shall be payable either at the treasury of the Secretary of State in Council in London or at the Bank of England.

Debentures transferable by delivery or deed.

Coupons by delivery.

5. All or any number of the debentures issued under the authority of this Act, and all right to and in respect of the principal and interest monies secured thereby, shall be transferable either by the delivery of such debentures respectively, or, at the discretion of the Secretary of State in Council, by deed; provided that the coupons for interest annexed to any debenture issued under the authority of this Act shall pass by delivery.

Capital stock and annuities may be created and issued.

6. Any capital stock created under the authority of this Act shall bear such a rate of interest, and any annuities to be created under the authority of this Act shall be at such rate per centum per annum, as the Secretary of State in Council may think fit; and such capital stock and such annuities may be issued on such terms as may be determined by the Secretary of State in Council; and any such capital stock may bear interest during such period, and be paid off at par at such time, as the Secretary of State in Council may prescribe previously to the issue of such capital stock; and such annuities may be terminable at such period as the Secretary of State in Council may prescribe previously to the issue of such annuities.

Transfer books of such capital stock and annuities to be kept.

7. In case of the creation and issue of any such capital stock or of any such annuities, there shall be kept, either at the office of the Secretary of State in Council in London or at the Bank of England, books wherein entries shall be made of the said capital stock and annuities respectively, and wherein all assignments or transfers of the same respectively, or any part thereof respectively, shall be entered and registered, and shall be signed by the parties making such assignments or transfers, or, if such parties be absent, by his, her, or their attorney or attornies thereunto lawfully authorized by writing under his, her, or their hands and seals, to be attested by two or more credible witnesses; and the person or persons to whom such transfer or transfers shall be made may respectively underwrite his, her, or their acceptance thereof; and no other mode of assigning or transferring the said capital stock or the said annuities, or any part thereof respectively, or any interest therein respectively, shall be good and available in law, and no stamp duties whatsoever shall be charged on the said transfers or any of them.

Annuities personal estate.

8. All annuities created and issued under the authority of this Act shall be deemed and taken to be personal and not real estate, and shall go to the executors or administrators of the person or persons dying possessed thereof, interested therein, or entitled thereto, and not to the heir-at-law, nor be liable to any foreign attachment by the custom of London, or otherwise.

The whole amount charged on revenue of India not to exceed eight millions.

9. The whole amount of the principal monies to be charged on the revenues of India under this Act shall not exceed *eight millions;* and no money shall be raised or secured under the authority of this Act after the said *thirtieth day of April one thousand eight hundred and seventy-two*, or, if Parliament be then sitting, after the end of the then session of Parliament, save for or upon the repayment of principal monies previously secured under this Act as herein-after provided.

Eightmillion pounds to be applied for construction of railways in India.

10. Of the said sum of *eight million* pounds so to be raised under the authority of this Act, *four million* pounds shall be applied for the purpose of the construction of railways in India, and for no other purpose whatever.

Power to raise money for payment of principal money.

11. Upon or for the repayment of any principal money secured under the authority of this Act, the Secretary of State in Council may at any time borrow or raise, by all or any of the modes aforesaid, all or any part of the amount of principal money repaid or to be repaid, and so from time to time as all or any part of any principal money under this Act may require to be repaid, but the amount to be charged upon the revenues of India shall not in any case exceed the principal money required to be repaid.

Securities, &c. to be charged on revenues of India.

12. All bonds and debentures to be issued under this Act, and the principal monies and interest thereby secured, and all capital stock to be issued under this Act, and the interest thereon, and all annuities to be issued under this Act, shall be charged on and payable out of the revenues of India, in like manner as other liabilities incurred on account of the government of the said territories.

Provisions as to composition for stamp duties

13. The provisions contained in section four of the Act of the session holden in the fifth and sixth years of King William the Fourth, chapter sixty-four, with respect to the composition and

A.D. 1869.

on India bonds extended to bonds and debentures under this Act.

agreement for the payment by the East India Company of an annual sum in lieu of stamp duties on their bonds, and the exemption of their bonds from stamp duties, shall be applicable with respect to the bonds and debentures to be issued under the authority of this Act, as if such provisions were here repeated and re-enacted with reference thereto.

Forgery of debentures to be punishable as forgery of East India bonds.

14. All provisions now in force in anywise relating to the offence of forging or altering, or offering, uttering, disposing of, or putting off, knowing the same to be forged or altered, any East India bond, with intent to defraud, shall extend and be applicable to and in respect of any debenture issued under the authority of this Act, as well as to and in respect of any bond issued under the same authority.

Returns to be annually prepared of monies raised on loan, &c., and presented to Parliament.

15. Provided always, that on or before the day of in each year, the said Secretary of State in Council shall prepare or cause to be prepared a return of all monies raised on loan under the provisions of this Act; also a return of all stocks, loans, debts, and liabilities then chargeable on the revenues of India, at home and abroad, up to the latest period of time to which such return can be made out: That all such returns shall be presented to both Houses of Parliament on or before the day of in each year, if Parliament is then sitting, and if Parliament is not sitting, then such returns shall be presented within ten days of the first meeting of Parliament after the day of in each year.

Saving powers of the Secretary of State in Council.

16. This Act shall not prejudice or affect any power of raising or borrowing money vested in the said Secretary of State in Council at the time of passing thereof.

East India Loan.

A

B I L L

To enable the Secretary of State in Council of India to raise Money in the United Kingdom for the Service of the Government of India.

(*Prepared and brought in by*
Mr. Dodson, Mr. Grant Duff, and Mr. Stansfeld.)

Ordered, by The House of Commons, *to be Printed,*
30 *July* 1869.

[Bill 251.]

Under 1 *oz.*

A
BILL
TO

Repeal the Act of the fourteenth and fifteenth Victoria, chapter sixty, intituled "An Act to prevent the assumption "of certain Ecclesiastical Titles in respect of places in the "United Kingdom," and section twenty-four of the Act of the tenth George the Fourth, chapter seven.

A.D. 1869.

14 & 15 Vict. c. 60.
10 G. 4. c. 7. s. 24.

WHEREAS it is expedient to repeal the Act passed in the fourteenth and fifteenth years of the reign of Her present Majesty, chapter sixty, and section twenty-four of the Act of the tenth George the Fourth, chapter seven, relating to the assumption of certain ecclesiastical titles in respect of places in the United Kingdom:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Recited Act and section repealed.

1. From and after the passing of this Act the aforesaid Act of the fourteenth and fifteenth Victoria, chapter sixty, and section twenty-four of the said Act of the tenth George the Fourth, chapter seven, shall be and are hereby repealed.

Ecclesiastical Titles.

A

B I L L

To repeal the Act of the fourteenth and fifteenth Victoria, chapter sixty, intituled "An Act to prevent the "assumption of certain Ecclesiastical "Titles in respect of places in the "United Kingdom," and section twenty-four of the Act of the tenth George the Fourth, chapter seven.

(*Prepared and brought in by*
Mr. MacEvoy, Mr. William Gregory,
Sir Rowland Blennerhassett, and Mr. Corbally.)

Ordered, by The House of Commons, *to be Printed,*
22 *February* 1869.

[Bill 13.]

Under 1 *oz.*

A

B I L L

TO

Amend the law relating to the payment of the expenses of Commissioners of Inquiry into Corrupt Practices at Elections of members to serve in Parliament.

A.D. 1869.

WHEREAS by the Act of the session of the fifteenth and sixteenth years of the reign of Her present Majesty, chapter fifty-seven, entitled "An Act to provide for more effectual inquiry "into the existence of corrupt practices at the elections of members "to serve in Parliament," power is given to Her Majesty, in the events therein mentioned by warrant under Royal Sign Manual, to appoint commissioners, in this Act called Commissioners of Inquiry, for the purpose of making inquiry into the existence of corrupt practices in any election or elections of a member or members to serve in Parliament: And whereas by the said Act it is provided that the Commissioners of Her Majesty's Treasury are to make order for the payment of the necessary expenses of any inquiry under that Act: And whereas by The Parliamentary Elections Act, 1868, it is provided that the expenses of such inquiry as aforesaid shall be defrayed as if they were expenses incurred in the registration of voters for the county or borough in respect of which commissioners of inquiry have been appointed: And whereas it is expedient to make further provision with respect to the payment of the said expenses: Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

15 & 16 Vict. c. 57.

Preliminary.

Short title.

1. This Act may be cited for all purposes as The Corrupt Practices Commission Expenses Act, 1869.

Power of Treasury to advance

2. When commissioners of inquiry have been appointed as aforesaid, in the case of any county, city, or borough, the Commissioners money for payment of expenses of commission.

of Her Majesty's Treasury may from time to time advance out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland such moneys as may be required for payment of the expenses of the inquiry to be made by such commissioners, and may pay the same accordingly, and such advances shall be repaid in manner herein-after mentioned upon a requisition of the Commissioners of the Treasury stating the amount of such advances, and such requisition shall be conclusive evidence of the amount therein stated, and of the payment thereof by the Commissioners of the Treasury.

Payment of expenses in England.

Repayment of advances made by the Treasury.

3. The following enactments shall be made with respect to the repayment to the Commissioners of the Treasury, of any advance made by them for payment of the expenses of any inquiry made by commissioners of inquiry in England:

1. The Commissioners of the Treasury shall forward their requisition to the local officer of the county, city, or borough, in respect of which commissioners of inquiry have been appointed, and shall require such officer to repay to them within *one year* the sum mentioned in such requisition, and it shall be the duty of the local officer to comply with the requisition made by the Commissioners of the Treasury.
2. The local officer shall mean in the case of a city or borough the town clerk, and in the case of a county the treasurer of the county.
3. In the case of a county the treasurer shall pay the amount required to the Commissioners of the Treasury out of the public stock of the county in the same manner in all respects as if the requisition of the Commissioners of the Treasury were an order of the justices of the peace for the payment to the clerk of the peace of the county of expenses incurred by him under The Registration Act, 1843.
4. In the case of a city or borough the requisition of the Commissioners of the Treasury shall be laid before the local authority of such city or borough, and the local authority shall make and give to the local officer a certificate of the sum to be paid by, and as the contribution of each of the parishes or townships situate within the city or borough, towards defraying the amount required, and thereupon the overseers of every such parish or township shall, out of the first monies to be collected for the relief of the poor, pay to the local officer the sum directed by such certificate, to be paid as the contribution of the said parish or township, and

the said local officer shall by means of such contributions defray the amount required to be paid to the Commissioners of the Treasury.

"The local authority of a city or borough" shall mean the common council or town council of the said city or borough, or if there be no such council, then the justices of the peace at the quarter sessions to be holden in or for the county in which such city or borough is situate.

5. If default is made by the local officer of any county, city, or borough in complying with a requisition made in pursuance of this Act by the Commissioners of the Treasury, the justices in general or quarter sessions assembled having jurisdiction over such county, city, or borough shall, on the application of the Commissioners of the Treasury, raise the sum specified in such requisition, together with a further sum of *ten per cent.* in addition, by a rate on the county, city, or borough, the local officer of which has so made default, and shall pay the amount so raised to the Commissioners of the Treasury, and any rate made by such justices in pursuance of this Act shall be levied in the same manner in all respects as a county rate or contribution to a county rate in any such county, city, or borough, and may be enforced accordingly.

6. "The Registration Act, 1843," shall mean the Act of the session of the sixth year of the reign of Her present Majesty, chapter 18, intituled "An Act to amend the law "for the registration of persons entitled to vote, and to "define certain rights of voting, and to regulate certain "proceedings in the election of members to serve in Parlia-"ment for England and Wales."

7. All expressions in this Act shall have the same meaning as in The Registration Act, 1843, and the definitions of the said Act shall, so far as they are applicable, be deemed to be re-enacted in this Act.

Payment of expenses in Scotland.

Expenses of commission in Scotch counties.

4. In Scotland, where commissioners have been appointed in respect of a county, the requisition of the Commissioners of the Treasury for payment of the advances shall be forwarded to the commissioners of supply of the county, and the amount therein stated shall be paid by them within the specified time, being not less than *three months* from the date of such requisition, in the

A.D. 1869.

same manner in all respects as if such expenses were expenses incurred in the formation of a register of voters for such county.

Expenses of commission in Scotch burghs.

5. In Scotland, where commissioners have been appointed in respect of a burgh, the requisition of the Commissioners of the Treasury for payment of the advances shall be forwarded to the magistrates of the burgh, and the amount therein stated shall be paid by them within the specified time, being not less than three months from the date of such requisition, in the same manner in all respects as if such expenses were expenses incurred in the formation of a register of voters for such burgh.

Payment of expenses in Ireland.

Payment of expenses in Ireland.

6. In Ireland the requisition of the Commissioners of Her Majesty's Treasury for payment of the advances in the case of any county, county of a city, county of a town, or of any borough situate in any county at large shall be forwarded to the treasurer of such county, county of a city, or county of a town, and in the case of the city of Dublin to the city treasurer: Provided always that when such commission of inquiry shall have issued in respect of any borough situate in two or more counties the said Commissioners of the Treasury shall forward to the treasurer of every county in which any part of such borough is situate a certificate of the sum to be paid by and as the contribution of such county towards defraying the expenses of such commission, and the sum to be paid by every such county shall be calculated as nearly as may be according to the same relative proportion as the number of persons in each county placed on the register for such borough bears to the total number of persons upon the same register, and every such requisition shall have the force and effect of a presentment duly made by the grand jury of such county, county of a city, or county of a town, and in the case of the city of Dublin by the town council of the borough of Dublin, and the treasurer shall forthwith issue his warrant for the levying and collecting the amount mentioned in such requisition, and such amount shall be raised and levied within *six months* after the date of such requisition in like manner to all intents and purposes as if the same had been presented under the provisions of section seventy of the Act of the Session of the thirteenth and fourteenth years of the reign of Her present Majesty, chapter sixty-nine, and shall be paid by the said treasurer as aforesaid to the said Commissioners of the Treasury.

Election Commissioners (Expenses).

A

B I L L

To amend the law relating to the payment of the expenses of Commissioners of Inquiry into Corrupt Practices at Elections of members to serve in Parliament.

(Prepared and brought in by
Mr. Dodson, Mr. Attorney General,
and Mr. Ayrton.)

Ordered, by The House of Commons, *to be Printed,*
5 *May* 1869.

[Bill 109.]

Under 1 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the law relating to the payment of the expenses of Commissioners of Inquiry into Corrupt Practices at Elections of members to serve in Parliament.

A.D. 1869.

WHEREAS by the Act of the session of the fifteenth and sixteenth years of the reign of Her present Majesty, chapter fifty-seven, entitled "An Act to provide for more effectual inquiry "into the existence of corrupt practices at the elections of members "to serve in Parliament," power is given to Her Majesty, in the events therein mentioned by warrant under Royal Sign Manual, to appoint commissioners, in this Act called Commissioners of Inquiry, for the purpose of making inquiry into the existence of corrupt practices in any election or elections of a member or members to serve in Parliament: And whereas by the said Act it is provided that the Commissioners of Her Majesty's Treasury are to make order for the payment of the necessary expenses of any inquiry under that Act: And whereas by The Parliamentary Elections Act, 1868, it is provided that the expenses of such inquiry as aforesaid shall be defrayed as if they were expenses incurred in the registration of voters for the county or borough in respect of which commissioners of inquiry have been appointed: And whereas it is expedient to make further provision with respect to the payment of the said expenses: Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

15 & 16 Vict. c. 57.

Preliminary.

Short title.

1. This Act may be cited for all purposes as The Corrupt Practices Commission Expenses Act, 1869.

Power of Treasury to advance

2. When commissioners of inquiry have been appointed as aforesaid, in the case of any county, city, or borough, the Commissioners

A.D. 1869.

money for payment of expenses of commission.

of Her Majesty's Treasury may from time to time advance out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland such moneys as may be required for payment of the expenses of the inquiry to be made by such commissioners, and may pay the same accordingly, and such advances shall be repaid in manner herein-after mentioned upon a requisition of the Commissioners of the Treasury stating the amount of such advances, and such requisition shall be conclusive evidence of the amount therein stated, and of the payment thereof by the Commissioners of the Treasury.

Payment of expenses in England.

Repayment of advances made by the Treasury.

3. The following enactments shall be made with respect to the repayment to the Commissioners of the Treasury, of any advance made by them for payment of the expenses of any inquiry made by commissioners of inquiry in England:

1. The Commissioners of the Treasury shall forward their requisition to the local officer of the county, city, or borough, in respect of which commissioners of inquiry have been appointed, and shall require such officer to repay to them within one year the sum mentioned in such requisition, and it shall be the duty of the local officer to comply with the requisition made by the Commissioners of the Treasury.
2. The local officer shall mean in the case of a city or borough the town clerk, and in the case of a county the treasurer of the county.
3. In the case of a county the treasurer shall pay the amount required to the Commissioners of the Treasury out of the public stock of the county in the same manner in all respects as if the requisition of the Commissioners of the Treasury were an order of the justices of the peace for the payment to the clerk of the peace of the county of expenses incurred by him under The Registration Act, 1843, and the justices for such county shall levy the same by an addition to the county rate, to be assessed on the several parishes and townships within the county or division of the county, as the case may be, in respect of which such Commissioners of Inquiry have been appointed.
4. In the case of a city or borough the requisition of the Commissioners of the Treasury shall be laid before the local authority of such city or borough, and the local authority shall make and give to the local officer a certificate of the sum to be paid by, and as the contribution of each of the parishes or townships situate within the city or borough,

towards defraying the amount required, and thereupon the overseers of every such parish or township shall, out of the first monies to be collected for the relief of the poor, pay to the local officer the sum directed by such certificate to be paid as the contribution of the said parish or township, and the said local officer shall by means of such contributions defray the amount required to be paid to the Commissioners of the Treasury.

"The local authority of a city or borough" shall mean the common council or town council of the said city or borough, or if there be no such council, then the justices of the peace at the quarter sessions to be holden in or for the county in which such city or borough is situate.

5. If default is made by the local officer of any county, city, or borough in complying with a requisition made in pursuance of this Act by the Commissioners of the Treasury, then the said Commissioners shall determine the amount to be paid by and as the contribution of each of the parishes or townships situate within the city or borough toward the amount required, and thereupon the justices in general or quarter sessions assembled having jurisdiction over each of the parishes or townships respectively within such county, city, or borough shall, on the application of the Commissioners of the Treasury, raise the sum specified in such requisition, together with a further sum of ten per cent. in addition, by a rate on each of the parishes or townships respectively within the county, city, or borough, the local officer of which has so made default, and shall pay the amount so raised to the Commissioners of the Treasury, and any rate made by such justices in pursuance of this Act shall be levied in the same manner in all respects as a county rate or contribution to a county rate in any such county, city, or borough, and may be enforced accordingly.

6. "The Registration Act, 1843," shall mean the Act of the session of the sixth year of the reign of Her present Majesty, chapter 18, intituled "An Act to amend the law "for the registration of persons entitled to vote, and to "define certain rights of voting, and to regulate certain "proceedings in the election of members to serve in Parlia"ment for England and Wales."

7. All expressions in this Act shall have the same meaning as in The Registration Act, 1843, and the definitions of the

said Act shall, so far as they are applicable, be deemed to be re-enacted in this Act.

Payment of expenses in Scotland.

Expenses of commission in Scotch counties.

4. In Scotland, where commissioners have been appointed in respect of a county, the requisition of the Commissioners of the Treasury for payment of the advances shall be forwarded to the commissioners of supply of the county, and the amount therein stated shall be paid by them within the specified time, being not less than three months from the date of such requisition, in the same manner in all respects as if such expenses were expenses incurred in the formation of a register of voters for such county.

Expenses of commission in Scotch burghs.

5. In Scotland, where commissioners have been appointed in respect of a burgh, the requisition of the Commissioners of the Treasury for payment of the advances shall be forwarded to the magistrates of the burgh, and the amount therein stated shall be paid by them within the specified time, being not less than three months from the date of such requisition, in the same manner in all respects as if such expenses were expenses incurred in the formation of a register of voters for such burgh.

Payment of expenses in Ireland.

Payment of expenses in Ireland.

6. In Ireland the requisition of the Commissioners of Her Majesty's Treasury for payment of the advances in the case of any county, county of a city, county of a town, or of any borough situate in any county at large shall be forwarded to the treasurer of such county, county of a city, or county of a town, and in the case of the city of Dublin to the city treasurer: Provided always that when such commission of inquiry shall have issued in respect of any borough situate in two or more counties the said Commissioners of the Treasury shall forward to the treasurer of every county in which any part of such borough is situate a certificate of the sum to be paid by and as the contribution of such county towards defraying the expenses of such commission, and the sum to be paid by every such county shall be calculated as nearly as may be according to the same relative proportion as the number of persons in each county placed on the register for such borough bears to the total number of persons upon the same register, and every such requisition shall have the force and effect of a presentment duly made by the grand jury of such county, county of a city, or county of a town, and in the case of the city of Dublin by the town council of the borough of Dublin, and the treasurer shall forthwith issue his warrant for the levying and collecting the amount mentioned in such requisition, and such amount shall be raised and levied within six months after the date of such requisition in like manner to all intents and purposes as if the same had been presented under the provisions of section seventy of the Act of the session of the thirteenth and fourteenth years of the reign of Her present Majesty, chapter sixty-nine, and shall be paid by the said treasurer as aforesaid to the said Commissioners of the Treasury.

Duration of Act.

7. This Act shall be in force until the expiration of two years from the passing thereof and to the end of the then next session of Parliament.

Election Commissioners (Expenses).

A

BILL

[AS AMENDED IN COMMITTEE]

To amend the law relating to the payment of the expenses of Commissioners of Inquiry into Corrupt Practices at Elections of members to serve in Parliament.

(Prepared and brought in by
Mr. Dodson, Mr. Attorney General,
and Mr. Ayrton.)

Ordered, by The House of Commons, *to be Printed,*
31 *May* 1869.

[Bill 139.]

Under 1 *oz.*

A

BILL

TO

Amend the Law relating to the Expenses of Returning Officers at Elections.

A.D. 1869.

WHEREAS it is desirable that the expenses which candidates have to incur in Parliamentary Elections should be as far as possible diminished:

And whereas it is also desirable that constituencies should be interested in the economical conduct of such elections:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as "The Returning Officers Expenses Act."

Commencement.

2. This Act shall come into operation on the passing thereof.

Expenses incurred by returning officer for hustings, &c. to be defrayed from county or borough rates.

3. At every election for any county or borough in England, the expenses lawfully incurred by the returning officers for the provision of hustings, poll clerks, polling booths or rooms, and any other necessary requisites for the conduct of the election, shall be defrayed in the case of any county from the county rate, and in the case of any borough out of the monies and in the manner and proportions mentioned in the Act of the sixth and seventh of Victoria, chapter eighteen, section fifty-five, with respect to the expenses of carrying into effect the provisions of that Act; and the account of such expenses shall be made, allowed, and paid in the manner provided in the said Act; and such expenses in the case of any county or borough in Ireland shall respectively be defrayed in the manner by the seventieth and seventy-first sections of the Act of the thirteenth and fourteenth years of Victoria, chapter sixty-nine, respectively directed with respect to the expenses of carrying into effect the provisions of that Act in counties and boroughs.

Provision in cases where county

4. In case the county in England for which the county rate is made is or shall be divided into two or more parts for parliamentary representation, the same expenses shall be charged upon and divided for parliamentary representation.

defrayed by and out of the county rate levied within and for that part of the county for which an election shall take place; and the justices or clerk of the peace for the county shall apportion such expenses amongst the parishes, townships, and places only in that part of the county in and for which an election shall have taken place, and in issuing the precept for the county rate shall add thereto the proportion payable in respect of such expenses by each of the last-mentioned parishes, townships, and places, and the same shall be leviable and recoverable in like manner and as part of the county rate.

In Scotland such expenses to be defrayed out of assessment for counties or burghs.

5. In Scotland, the expenses lawfully incurred by the sheriff or other returning officer, or the sheriff clerk or town clerk, for the provision of hustings, poll sheriffs, poll clerks, polling booths or rooms, and any other necessary requisities for the conduct of the election, shall be ascertained and fixed by the commissioners of supply in counties, and by the magistrates of burghs, as the case may be; and the said commissioners or magistrates, as the case may be, shall cause the amount of such expenses so ascertained and fixed to be apportioned upon the parishes within such county or burgh respectively according to the yearly rent or value thereof; and the same shall be assessed and levied along with the assessment for the relief of the poor for the current year within such parishes respectively, or they shall cause such amount, along with such reasonable sum as they may deem necessary to meet the expenses of collection, to be assessed and levied and collected in some other of the modes allowed by the Act seventeenth and eighteenth Victoria, chapter ninety-one: Provided always, that no county or burgh shall be liable under this Act for any expenses heretofore defrayed in exchequer, or which, under the provisions of this Act, may come in lieu of such expenses.

Candidates who have not polled one fifth of electors who voted to be liable for their share of expenses.

6. Provided always, that every unsuccessful candidate who shall not have polled *one fifth* of the total number of electors voting at any election for a county or borough shall be liable (in the same way as if this Act had not passed) for his share of the expenses lawfully incurred by the returning officers for the provision of hustings, poll clerks, polling booths or rooms, and any other requisites for the conduct of the election; and the proposer and seconder of such candidate (who shall have been nominated without his consent) shall in like manner be liable for such aforesaid share.

Election Expenses.

A

BILL

To amend the Law relating to the Expenses of Returning Officers at Elections.

(Prepared and brought in by
Mr. Fawcett, Mr. Baines, and Mr. M'Laren.)

Ordered, by The House of Commons, *to be Printed,*
19 *February* 1869.

[Bill 7.]

Under 1 *oz.*

A

B I L L

TO

Make provision for the better government and administration of Hospitals and other endowed educational institutions in Scotland, and for carrying into effect the main designs of the founders and benefactors thereof.

A.D. 1869.

WHEREAS there are numerous hospitals and endowed institutions in Scotland founded for the purpose of educating or maintaining young persons, and it is expedient that provision should be made to enable the governors, managers, and trustees thereof from time to time to apply for and obtain from Parliament power and authority, whereby the usefulness and efficiency of the said hospitals and institutions may be increased, and the benefits thereof extended in a manner corresponding to and consistent with the main designs of the founders:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows: that is to say,

Managers, &c. may resolve to apply for a provisional order.

1. It shall be lawful for the governors, managers, or trustees of any hospital or other endowed institution in Scotland, devoted in whole or in part to the purposes of education, to resolve, at a meeting specially called for that purpose, that it is expedient that provision should be made for the better government and administration of such hospital or institution and the revenues thereof, and more efficiently carrying out the main designs of the founder, and that an application shall be made to the Secretary of State for a provisional order.

Managers, &c. may present petition to Secretary of State.

2. On the foresaid resolution being carried, it shall be lawful for the said governors, managers, or trustees to present a petition to the Secretary of State, setting out such resolution, and stating under distinct heads or articles all facts or circumstances pertinent to such petition, and stating also the provisions for the better government and administration of such hospital or institution and the revenues thereof which they desire to have sanctioned, and the reasons for which the said provisions are considered necessary or expedient for the purposes mentioned in the foresaid resolution; and such petition shall be supported by such evidence as the Secretary of State may require. And upon receipt of any such petition as aforesaid, the Secretary of State may, if he shall think fit, direct an inquiry to be held in such manner and by such person or persons as he shall think expedient in respect of any matter mentioned in or relating to such petition, and shall give fourteen days notice of such inquiry to the petitioners.

Principal of an university may be appointed to inquire.

3. The Secretary of State may, if he shall think fit, by writing under his hand appoint the Principal or any member of the university court of any university in Scotland, either by himself, or in conjunction with any other persons named and appointed in the said writing, to hold the aforesaid inquiry, and for the purposes of such inquiry the Principal so appointed by the Secretary of State shall have power to examine witnesses and to call for such information from, and to require the production of, such documents by the governors, managers, and trustees aforesaid as he may consider necessary, and to do all such matters and things as may seem to him expedient for the purposes of the inquiry; and in case any person shall refuse or neglect to do what is herein required of him, or in case any obstruction shall arise in proceeding with such inquiry, it shall be lawful for the aforesaid Principal or member of the university court to apply to the sheriff by summary petition, and such sheriff is hereby required in such case to do therein as shall seem to him just and necessary in order to carry into effect the purposes of this Act.

Provisional order may be issued.

4. It shall be lawful for the Secretary of State to issue a provisional order under his hand and seal of office in relation to the several things mentioned in the foresaid petition, either in accordance with the prayer thereof, or with such modifications or alterations as may appear to him to be requisite.

Confirmation of provisional order by Act of Parliament.

5. The foresaid provisional order shall not have any effect or operation unless and until the same has been confirmed by Act of Parliament; and it shall be lawful for the Secretary of State, as soon as conveniently may be, to obtain such confirmation; and the Act so confirming such provisional order shall be deemed to be a public Act of Parliament.

Expenses to a be charge on funds of hospital.

6. All costs, charges, and expenses incurred by the Secretary of State in relation to any such provisional order as aforesaid shall, to such extent as the Commissioners of Her Majesty's Treasury think proper to direct, become a charge upon the funds of the hospital or educational institution applying for such provisional order, and shall be repaid to the said Commissioners of Her Majesty's Treasury, together with interest thereon at the rate of *five per cent.* per annum until the same shall be paid.

Endowed hospitals to be inspected.

7. It shall be lawful for the Committee of Her Majesty's Council on Education to authorize any person whom they shall see fit, to inspect every school or institution which, in the opinion of the said committee, is established wholly or partially for the purpose of education, and which, at the passing of this Act or at any time hereafter, may enjoy the benefit of any endowment devoted either in whole or in part to the purposes of education, or any grant from the trustees of any bequest for educational purposes, and from and after such date as the said Committee of Council shall appoint it shall not be lawful for the trustees of any bequest for educational purposes to make any grant from such bequest to any teacher in any such hospital, school, or institution as aforesaid, appointed after the passing of this Act, who shall not hold a teacher's certificate from the said Committee of Council or such other certificate as the said committee may from time to time appoint, or to any school which is not taught by a teacher holding such certificate.

Interpretation.

8. In this Act the words "Secretary of State" shall mean one of Her Majesty's Principal Secretaries of State, and the word "sheriff" shall mean the sheriff of and acting in the county of which he is sheriff, and shall include sheriff substitute and also steward and steward substitute.

Short title.

9. This Act may be cited for all purposes as the Educational Endowments (Scotland) Act.

Endowed Hospitals, &c. (Scotland).

A

BILL

To make provision for the better government and administration of Hospitals and other endowed educational institutions in Scotland, and for carrying into effect the main designs of the founders and benefactors thereof.

(*Prepared and brought in by*
The Lord Advocate, Mr. Secretary Bruce, and
Mr. Adam.)

Ordered, by The House of Commons, *to be **Printed**,*
14 *April* 1869.

[Bill 79.]

Under 1 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Make provision for the better government and administration of Hospitals and other endowed educational institutions in Scotland, and for carrying into effect the main designs of the founders and benefactors thereof.

A.D. 1869.

WHEREAS there are numerous hospitals and endowed institutions in Scotland, and it is expedient that provision should be made to enable the governors, managers, and trustees thereof from time to time to apply for and obtain from Parliament power and authority whereby the usefulness and efficiency of the said hospitals and institutions may be increased, and the benefits thereof extended:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; that is to say,

Managers, &c. may resolve to apply for a provisional order.

1. It shall be lawful for the governors, managers, or trustees of any hospital or other endowed institution in Scotland, at a meeting specially called for the purpose at a month's notice, to resolve, by a majority of those present at the meeting, that it is expedient that provision should be made for the better government and administration of such hospital or institution and the revenues thereof, and that an application shall be made to the Secretary of State for a provisional order.

Managers, &c. may present petition to Secretary of State.

2. On the foresaid resolution being carried, it shall be lawful for the said governors, managers, or trustees to present a petition to the Secretary of State, setting out such resolution, and stating under distinct heads or articles all facts or circumstances pertinent to such petition, and stating also the provisions for the better government and administration of such hospital or institution and the revenues thereof which they desire to have sanctioned, and the reasons for which the said provisions are considered necessary or expedient for the purposes mentioned in the foresaid resolution; and such petition shall be

A.D. 1869.

supported by such evidence as the Secretary of State may require. And upon receipt of any such petition as aforesaid, the Secretary of State may, if he shall think fit, direct an inquiry to be held in such manner and by such person or persons as he shall think expedient in respect of any matter mentioned in or relating to such petition, and shall give fourteen days notice of such inquiry to the petitioners.

Sheriff of the county may be appointed to inquire.

3. The Secretary of State may, if he shall think fit, by writing under his hand appoint the sheriff of the county in which such institution is situated, either by himself or in conjunction with any member of the university court or of the senatus academicus of any university in Scotland, to hold the aforesaid inquiry, and for the purposes of such inquiry the sheriff so appointed by the Secretary of State shall have power to examine witnesses and to call for such information from, and to require the production of, such documents by the governors, managers, and trustees aforesaid as he may consider necessary, and to do all such matters and things as may seem to him expedient for the purposes of the inquiry.

Provisional order may be issued.

4. It shall be lawful for the Secretary of State to issue a provisional order under his hand and seal of office in relation to the several things mentioned in the foresaid petition, either in accordance with the prayer thereof, or with such modifications or alterations as may appear to him to be requisite.

Confirmation of provisional order by Act of Parliament.

5. The foresaid provisional order shall not have any effect or operation unless and until the same has been confirmed by Act of Parliament; and it shall be lawful for the Secretary of State, as soon as conveniently may be, to obtain such confirmation; and the Act so confirming such provisional order shall be deemed to be a public Act of Parliament.

Expenses to be a charge on funds of hospital.

6. All costs, charges, and expenses incurred by the Secretary of State in relation to any such provisional order as aforesaid shall, to such extent as the Commissioners of Her Majesty's Treasury think proper to direct, become a charge upon the funds of the hospital or educational institution applying for such provisional order, and shall be repaid to the said Commissioners of Her Majesty's Treasury, together with interest thereon at the rate of five per cent. per annum until the same shall be paid.

Interpretation.

7. In this Act the words "Secretary of State" shall mean one of Her Majesty's Principal Secretaries of State, and the word "sheriff" shall mean the sheriff of and acting in the county of which he is sheriff, and shall include sheriff substitute and also steward and steward substitute.

A.D. 1869.

Short title and duration of Act.

8. This Act may be cited for all purposes as the Educational Endowments (Scotland) Act, and shall be in force until the thirty-first day of December one thousand eight hundred and seventy-one.

Endowed Hospitals, &c. (Scotland).

A

BILL

[AS AMENDED IN COMMITTEE]

To make provision for the better government and administration of Hospitals and other endowed educational institutions in Scotland, and for carrying into effect the main designs of the founders and benefactors thereof.

(*Prepared and brought in by*
The Lord Advocate, Mr. Secretary Bruce, and
Mr. Adam.)

Ordered, by The House of Commons, *to be Printed,*
6 *May* 1869.

[Bill 110.]

Under 1 *oz.*

To be substituted for the Bill [124.]
already delivered.

A
BILL

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Make provision for the better government and administration of Hospitals and other endowed institutions in Scotland.

A.D. 1869.

WHEREAS there are numerous hospitals and endowed institutions in Scotland, and it is expedient that provision should be made to enable the governors, managers, and trustees thereof from time to time to apply for and obtain from Parliament power and authority whereby the usefulness and efficiency of the said hospitals and institutions may be increased, and the benefits thereof extended:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; that is to say,

Managers, &c. may resolve to apply for a provisional order.

1. It shall be lawful for the governors, managers, or trustees of any hospital or other endowed institution in Scotland, at a meeting specially called for the purpose at a month's notice, to resolve, by a majority of those present at the meeting, that it is expedient that provision should be made for the better government and administration of such hospital or institution and the revenues thereof, and that an application shall be made to the Secretary of State for a provisional order.

Managers, &c. may present petition to Secretary of State.

2. On the foresaid resolution being carried, it shall be lawful for the said governors, managers, or trustees to present a petition to the Secretary of State, setting out such resolution, and stating under distinct heads or articles all facts or circumstances pertinent to such petition, and stating also the provisions for the better government and administration of such hospital or institution and the revenues thereof which they desire to have sanctioned, and the reasons for which the said provisions are considered necessary or expedient for the purposes mentioned in the foresaid resolution. And upon receipt of any

A.D. 1869.

such petition as aforesaid, the Secretary of State may, if he shall think fit, direct such petition to be published in the London Gazette, and in the Edinburgh Gazette in two consecutive numbers thereof, with a view to further inquiry.

Sheriff of the county may be appointed to inquire.

3. The Secretary of State may, if he shall think fit, by writing under his hand appoint the sheriff of the county in which such institution is situate, either by himself or in conjunction with any member of the University Court or of the Senatus Academicus of any University in Scotland, to inquire into the said petition, and report thereon to the Secretary of State, and for the purposes of such inquiry the sheriff so appointed by the Secretary of State shall have power, after such public notice as he may think sufficient, to examine witnesses, and to call for such information from, and to require the production of such documents by, the governors, managers, and trustees aforesaid as he may consider necessary, and to do all such matters and things as may seem to him expedient for the purposes of the inquiry.

Provisional order may be issued.

4. It shall be lawful for the Secretary of State to issue a provisional order under his hand and seal of office in relation to the several things mentioned in the foresaid petition, either in accordance with the prayer thereof, or with such modifications or alterations as may appear to him to be requisite.

Confirmation of provisional order by Act of Parliament.

5. The foresaid provisional order shall not have any effect or operation unless and until the same has been confirmed by Act of Parliament; and it shall be lawful for the Secretary of State, as soon as conveniently may be, to obtain such confirmation; and the Act so confirming such provisional order shall be deemed to be a public Act of Parliament.

Expenses to be a charge on funds of hospital.

6. All costs, charges, and expenses incurred by the Secretary of State in relation to any such provisional order as aforesaid shall, to such extent as the Commissioners of Her Majesty's Treasury think proper to direct, become a charge upon the funds of the hospital or endowed institution applying for such provisional order, and shall be repaid to the said Commissioners of Her Majesty's Treasury, together with interest thereon at the rate of five per cent. per annum until the same shall be paid.

Interpretation.

7. In this Act the words "Secretary of State" shall mean one of Her Majesty's Principal Secretaries of State, and the word "sheriff" shall mean the sheriff of and acting in the county of which he is sheriff, and shall include sheriff substitute and also steward and steward substitute.

Short title and duration of Act.

8. This Act may be cited for all purposes as the Endowed Institutions (Scotland) Act, and shall be in force until the thirty-first day of December one thousand eight hundred and seventy-one.

To be substituted for the Bill [124.]
already delivered.

Endowed Hospitals, &c. (Scotland).

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

To make provision for the better government and administration of Hospitals and other endowed institutions in Scotland.

(Prepared and brought in by
The Lord Advocate, Mr. Secretary Bruce, and
Mr. Adam.)

Ordered, by The House of Commons, *to be printed,*
13 *May* 1869.

[Bill 124.] †

Under 1 *oz.*

Endowed Schools Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Clause
1. Short title.
2. Application of Act.
3. Commencement of Act.
4. Definition of "endowment."
5. Definition of "endowed school."
6. Definition of "educational endowment."
7. Interpretation of terms.
8. Saving of certain schools.

PART I.

TEMPORARY.

Reorganization of Endowed Schools.

9. Schemes for application of educational endowments.
10. Schemes as to governing bodies.
11. Educational interests of persons entitled to privileges.
12. Saving of interest of foundationer, master, &c.
13. Saving for modern endowments, cathedral schools, &c.
14. Religious education in day schools.
15. Religious education in boarding schools.
16. Governing body not to be disqualified on ground of religious opinions.
17. Masters not to be required to be in holy orders.
18. Schools excepted from provisions as to religion.
19. Transfer of jurisdiction of visitors.
20. Abolition of jurisdiction of ordinary.
21. Tenure of office of teachers.
22. General provisions.
23. Alteration of scheme.
24. Apprenticeship fees.
25. Certificate of Charity Commissioners as to non-educational charities.

Procedure for making Schemes.

Clause
26. Commissioners for preparing schemes.
27. Preparation of draft scheme.
28. Printing and publication of draft scheme.
29. Objections and suggestions respecting scheme.
30. Inquiry into scheme.
31. Final settlement of scheme.
32. Approval of Committee of Council on Education.
33. Consent of colleges or hall.
34. Appeal to Queen in Council.
35. Proceedings where scheme is remitted.
36. Schemes, &c. to be laid before Parliament.
37. Exception as to schemes for endowments under 100*l*.
38. New scheme on non-approval.
39. Amendment of schemes.
40. Scheme to take effect.
41. Effect of scheme.
42. Evidence of scheme.
43. Power of commissioners, &c. as to procuring evidence.
44. Inquiry by public sittings by commissioners, &c.
45. Report of assistant commissioner.

Miscellaneous.

46. Restriction of powers of Charity Commissioners, Court, &c.
47. Governing body to act by majority.
48. Persons acquiring interest after passing of Act to be subject to scheme.
49. Service of notices.
50. Service by post.
51. Expenses of Act.
52. Duration of powers of making schemes.

PART II.

PERMANENT.

Examination of Teachers and Schools.

Clause
53. Examination of endowed schools.
54. Qualification of master.
55. Establishment of Educational Council.
56. Appointment of members of Council.
57. Constitution of Educational Council.
58. Powers of Educational Council.
59. Secretary and officers of Council.
60. Expenses of and fees to member of Council.
61. Expenses of Educational Council.
62. Registry of private schools.
63. Privileges of registered schools.
64. Conditions of registry.
SCHEDULES.

A

B I L L

TO

Amend the Law relating to Endowed Schools and other Educational Endowments in England, and otherwise to provide for the Advancement of Education.

A.D. 1869.

WHEREAS the commissioners appointed by Her Majesty under a commission issued in the year one thousand eight hundred and sixty-five, to inquire into the education given in schools not comprised within the scope of certain letters patent of Her Majesty, bearing date respectively the thirtieth day of June one thousand eight hundred and fifty-eight and the eighteenth day of July one thousand eight hundred and sixty-one, have made their report, and thereby recommended various changes in the government, management, and studies of endowed schools, and of the application of educational endowments, with the object of promoting their greater efficiency, and of carrying into effect the main designs of the founders thereof, by putting a liberal education within the reach of children of all classes; and have further recommended other measures for the object of improving education: And whereas such objects cannot be attained without the authority of Parliament:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as "The Endowed Schools Act, 1869." Short title.

2. This Act shall not apply to Scotland or Ireland. Application of Act.

3. This Act shall come into operation on the passing thereof, which date is in this Act referred to as the commencement of this Act. Commencement of Act.

4. In this Act, unless the context otherwise requires, the term "endowment" means every description of property, real, personal, and mixed, which is dedicated to charitable uses, in whomsoever such property may be vested, and whether such property is in posses- Definition of "endowment."

A.D. 1869.

sion or in reversion, or a thing in action, or is standing in the name of the Accountant General of the Court of Chancery, or of any other court:

Provided that the income arising from voluntary subscriptions is not to be deemed an endowment for the purposes of this Act.

Definition of "endowed school."

5. In this Act, unless the context otherwise requires, the term "endowed school" means a school which is (or if it were not in abeyance would be) wholly or partly maintained by means of any endowment: Provided that a school belonging to any person or body corporate shall not by reason only that exhibitions are attached to such school be deemed to be an endowed school.

Definition of "educational endowment."

6. In this Act, unless the context otherwise requires, the term "educational endowment" means an endowment any part of which, or the income thereof, has been made applicable or is applied for the purposes of education, whether the income has been made so applicable by the original instrument of foundation or by any subsequent Act of Parliament, letters patent, decree, scheme, order, instrument, usage, or otherwise, and whether it has been made applicable or is applied in the shape of payment to the governing body of any school or any member thereof, or to any teacher or officer of any school, or to any person bound to teach, or to scholars in any school, or their parents, or in the shape of exhibitions tenable at any school or elsewhere, or of buildings, houses, or school apparatus for any school, or otherwise howsoever.

Interpretation of terms.

7. In this Act, unless the context otherwise requires,—

The term "exhibition" means any exhibition, scholarship, or other like emolument:

The term "governing body" means any body corporate, persons or person who have the right of holding, or any power of government of or management over any endowment, or have any power of appointing officers, teachers, scholars, exhibitioners or others, either in any endowed school, or with emoluments out of any endowment:

The term "Committee of Council on Education" means the Lords of the Committee of Her Majesty's Privy Council on Education.

Saving of certain schools.

8. Nothing in this Act shall apply—

(1.) To any university or any college or hall in the universities of Oxford, Cambridge, or Durham:

(2.) To any school mentioned in section three of the Public Schools Act, 1868, or to the endowment thereof:

(3.) To any school (not being a grammar school or a department of an endowed school) which, at the commencement of this

Act, is in receipt of an annual grant from the Government, or to the endowment thereof; or,

(4.) To any school maintained out of any endowment the income of which may, in the discretion of the governing body thereof, be wholly applied to other than educational purposes, or to such endowment:

(5.) To any school receiving assistance out of any endowment the income of which may, in the discretion of the governing body of such school, be applied to some other school.

PART I.

TEMPORARY.

Reorganization of Endowed Schools.

Schemes for application of educational endowments.

9. The Commissioners (appointed as in this part of this Act mentioned), by schemes made during the period, in the manner and subject to the provisions for vested interests and otherwise in this part of this Act mentioned, shall have power, in such manner as may render any educational endowment most conducive to the advancement of the education of boys and girls, or either of them, to alter, and add to any existing, and to make new trusts directions and provisions in lieu of any existing, trusts directions and provisions which affect such endowment, and the education promoted thereby, including the consolidation of two or more such endowments.

Schemes as to governing bodies.

10. The commissioners (by any scheme) shall have power to alter the constitution, rights, and powers of any governing body of an educational endowment, and to incorporate any such governing body, and to establish a new governing body, corporate or unincorporate, with such powers as they think fit, and to remove a governing body, and in the case of any corporation (whether a governing body or not) incorporated solely for the purpose of any endowment dealt with by such scheme, to dissolve such corporation.

Educational interests of persons entitled to Privileges.

11. It shall be the duty of the commissioners in every scheme which abolishes or modifies any privileges to which a particular class of persons are entitled, whether as inhabitants of a particular area or otherwise, to have due regard to the educational interests of such class of persons.

Saving of interest of foundationer, master, &c.

12. It shall be the duty of the commissioners to provide in any scheme for saving, or making due compensation for the following vested interests; namely,

(1.) The pecuniary interest of any boy who was at the time of the passing of this Act on the foundation of any endowed

A.D. 1869.

school, so far as respects his interest in such foundation during his continuance at school:

(2.) The interest of any such boy in any preference to or right of competing for any exhibition which may be given away within three years after the passing of this Act:

(3.) The tenure by any person of any exhibition which was held by him at the time of the passing of the Endowed Schools Act, 1868, and does not form part of the interest of a boy on the foundation before in this section mentioned:

(4.) Such interest as any teacher or officer in any endowed school or educational endowment appointed to his office before the passing of the Endowed Schools Act, 1868, may have:

(5.) Such interest as any person may have in any pension or compensation allowance to which he was entitled at the passing of the Endowed Schools Act, 1868, and the amount of which is not in the discretion of the governing body:

(6.) Such interest as any member of the governing body of any educational endowment appointed to his office before the passing of the Endowed Schools Act, 1868, may have in any emolument payable to him as such, or in any right of patronage which has a marketable value, and is capable of being sold by him.

Saving for modern endowments, cathedral schools, &c.

13. Nothing in this part of this Act shall authorize the making of any scheme interfering—

(1.) with any endowment, or part of an endowment, (as the case may be,) originally given to charitable uses, less than *thirty* years before the commencement of this Act, without the consent of the governing body of such endowment:

(2.) with any school wholly maintained out of the endowment of any cathedral or collegiate church, or forming part of the foundation of any cathedral or collegiate church, without the consent of the dean and chapter of such church:

(3.) with any school or exhibition (other than one restricted to any schools, or school or district) forming part of the foundation of any college in Oxford or Cambridge without the consent of such college.

Religious education in day schools.

14. In every scheme (except as hereafter mentioned) relating to any endowed school or educational endowment the commissioners shall provide that the parent or guardian of, or person liable to maintain or having the actual custody of any scholar attending such school as a day scholar, may claim, by notice in writing addressed to the principal teacher of such school, the exemption of such scholar from attending prayer or religious worship, or from any lesson or series of lessons on a religious subject, and that such scholar shall be exempted accordingly, and that a scholar shall not by reason of any exemption from attending prayer or religious worship, or from any lesson or series of lessons on a religious subject, be deprived of any advantage or emolument in such endowed school or out of any such endowment to which he would otherwise have been entitled, except such as may by the scheme be expressly made dependent on the scholar learning such lessons.

They shall further provide that if any teacher, in the course of other lessons at which any such scholar is in accordance with the ordinary rules of such school present, teaches systematically and persistently any particular religious doctrine disapproved of by the parent or guardian of, or person liable to maintain or having the actual custody of such scholar, the governing body shall, on complaint made in writing to them by such parent, guardian, or person, hear the complainant, and inquire into the circumstances, and, if the complaint is proved, make all proper provisions for remedying the matter complained of.

Religious education in boarding schools.

15. In every scheme (except as herein-after mentioned) relating to an endowed school the commissioners shall provide that if the parent or guardian of, or person liable to maintain or having the actual custody of any scholar who is about to attend such school, and who but for this section could only be admitted as a boarder, desires the exemption of such scholar from attending prayer or religious worship, or from any lesson or series of lessons on a religious subject, but the persons in charge of the boarding houses of such school are not willing to allow such exemption, then it shall be the duty of the governing body of such school to make proper provisions for enabling the scholar to attend the school and have such exemption, without being deprived of any advantage or emolument to which he would otherwise have been entitled, except such as may by the scheme be expressly made dependent on the scholar learning such lessons. And a like provision shall be made for a complaint by such parent, guardian, or person as in the case of a day school.

Governing body not to be disqualified on ground of religious opinions.

16. In every scheme (except as herein-after mentioned) relating to any educational endowment the commissioners shall provide that the religious opinions of any person, or his attendance or non-attendance at any particular form of religious worship, shall not in

A.D. 1869.

any way affect his qualification for being one of the governing body of such endowment.

Masters not to be required to be in holy orders.

17. In every scheme (except as herein-after mentioned) relating to an endowed school the commissioners shall provide that a person shall not be disqualified for being a master in such school by reason only of his not being or not intending to be in holy orders.

Schools excepted from provisions as to religion.

18. A scheme relating to any educational endowment which in the opinion of the commissioners (subject to appeal to Her Majesty in Council as mentioned in this part of this Act) is by the express terms of the original instrument of foundation, or of the statutes or regulations made by or under the direct authority of the founder, and by the continued observance of the same down to the commencement of this Act, shown to have been intended for and still to belong to any particular religious denomination is excepted from the foregoing provisions respecting religious instruction, attendance at religious worship, and the qualification of the governing body and masters (unless the governing body assents to such scheme).

And a scheme relating to any such endowment shall not, without the consent of the governing body thereof, make any provision respecting the religious instruction or attendance at religious worship of the scholars, or respecting the religious opinions of the governing body or master of such school.

Transfer of jurisdiction of visitors.

19. In every scheme the commissioners may provide for the transfer to Her Majesty of all rights and powers reserved to, belonging to, claimed by, or capable of being exercised by any person, persons, or body corporate as visitor of the endowed school or educational endowment to which the scheme relates.

They shall also provide that such rights, and powers as aforesaid, whether vested in Her Majesty at the commencement of the Act, or transferred to Her Majesty by the scheme, shall be exercised only through and by the Charity Commissioners for England and Wales.

Abolition of jurisdiction of ordinary.

20. In every scheme the commissioners shall provide for the abolition of all jurisdiction of the ordinary relating to the endowed school, or any master therein, or the educational endowment to which the scheme relates.

Tenure of office of teachers.

21. In every scheme the commissioners shall provide for the dismissal at pleasure of every teacher and officer in the endowed school to which the scheme relates, including the principal teacher.

General provisions.

22. In any scheme the commissioners may insert all powers and provisions that may be thought expedient for carrying its objects into effect.

Alteration of scheme.

23. In any scheme the commissioners may provide for the alteration of such portions of the scheme as they think expedient by the Charity Commissioners for England and Wales.

Apprenticeship fees.

24. For the purposes of this Act endowments applicable or applied in payments of apprenticeship fees, or for advancement in life, shall be deemed to be educational endowments.

Certificate of Charity Commissioners as to non-educational charities.

25. In the case of any endowment which is not an educational endowment as defined in this Act, but the income of which is applicable wholly or partially to any one or more of the following purposes; namely,—

Giving doles in money or kind;
Paying marriage portions;
Redemption of prisoners and captives;
Relief of poor prisoners for debt;
Loans;
Objects which have failed altogether or have become insignificant in comparison with the magnitude of the endowment, if originally given to charitable uses in or before the year of our Lord *one thousand eight hundred;*

if the Charity Commissioners for England and Wales certify to the commissioners under this part of this Act that it is desirable to apply for the advancement of education the whole or any part of such endowment, the same may be dealt with by a scheme under this part of this Act in the same manner as if it were an educational endowment.

Procedure for making Schemes.

Commissioners for preparing schemes.

26. For the purpose of preparing schemes under this part of this Act it shall be lawful for Her Majesty from time to time to appoint commissioners (in this part of this Act referred to as "the commissioners"), and to appoint a secretary to such commissioners, and to remove any commissioners or secretary so appointed and appoint others, but the number of such commissioners shall not exceed *three* at any one time.

The Commissioners of Her Majesty's Treasury may assign to the commissioners and secretary such salaries, and allow them to employ such assistant commissioners, officers, and clerks, as the Commissioners of Her Majesty's Treasury may think proper.

The commissioners and secretary so appointed shall not hold office after the expiration of the time limited for the preparation of the schemes.

Preparation of draft scheme.

27. The commissioners, after such examination and inquiry as they think necessary, may prepare drafts of schemes for the purposes of this part of this Act.

Printing and publication of draft scheme.

28. When the commissioners have prepared the draft of a scheme they shall cause it to be printed, and printed copies of it to be sent to the governing body or governing bodies of the endowment or endowments to which it relates, and to the principal teacher of any endowed school to which it relates, and shall also cause the draft, or a proper abstract of it, to be published and circulated in such manner as they think sufficient for giving information to all persons interested.

Objections and suggestions respecting scheme.

29. During two months after the first publication of the draft of a scheme the commissioners shall receive any objections or suggestions made to them in writing respecting such scheme.

Inquiry into scheme.

30. At any time after the expiration of the two months the commissioners, if they think fit, may hold an inquiry or refer the draft of the scheme to an assistant commissioner, and direct him to hold an inquiry concerning the subject matter of such scheme.

Final settlement of scheme.

31. As soon as may be after the expiration of the said two months, or the holding of such inquiry by the commissioners, or the receipt by the commissioners of the report of the assistant commissioner, on the inquiry held by him (as the case may be), the commissioners shall proceed to consider any objections or suggestions made to them in writing respecting the draft scheme, and the report (if any), and thereupon they shall, if they think fit, finally settle the scheme in such form as they think expedient.

Approval of Committee of Council on Education.

32. When the commissioners have finally settled the scheme they shall submit it for the approval of the Committee of Council on Education. The Committee may, if they think fit, finally approve the scheme, and shall cause the same as finally approved to be published and circulated in such manner as they think sufficient for giving information to all persons interested.

Consent of colleges or hall.

33. Where a scheme abolishes any restriction which makes any exhibition tenable only at a particular college or hall in any university, and the exhibition is payable out of property held by such college, or by the university in trust for such college or hall, (otherwise than as governing body of a school, or as a bare trustee,) the scheme shall not be finally approved if not less than two thirds of the governing body of such college or hall dissent therefrom in writing; but in every such case the Committee of Council shall make a special report to Parliament setting out the proposed scheme, and stating the dissent, and the reasons, if any, assigned for it.

Appeal to Queen in Council.

34. If the governing body of any endowment to which a scheme relates, or any person or body corporate directly affected by such scheme, feels aggrieved by the scheme, on the ground—

(1.) Of any decision of the commissioners in a matter in which an appeal to Her Majesty in Council is given by this Act; or

(2.) Of the scheme not saving or making due compensation for his or their vested interest as required by this part of this Act; or

(3.) Of the scheme being one which is not within the scope of or made in conformity with this Act;

such governing body, person, or body corporate may within two months after the publication of the scheme when finally approved petition Her Majesty in Council stating the grounds of the petition, and praying Her Majesty to withhold her approval from the whole or any part of the scheme.

Her Majesty, by Order in Council, may refer any such petition for the consideration and advice of five members at the least of Her Privy Council named in the order, of whom two (not including the Lord President) shall be members of the Judicial Committee, and such five members may, if they think fit, admit counsel to be heard in support of and against the petition.

Any petition not proceeded with in accordance with the regulations made with respect to petitions presented to the Judicial Committee of the Privy Council shall be deemed to be withdrawn.

It shall be lawful for Her Majesty by Order in Council to direct that the scheme petitioned against be laid before Parliament, or to remit it to the commissioners with such declaration as the nature of the case may require.

Proceedings where scheme is remitted.

35. Where a scheme is remitted with a declaration the commissioners may either proceed to prepare another scheme in the matter in the same manner as if no scheme had been previously prepared, or may submit for the approval of the Committee of Council on Education such amendments in the scheme as will bring it into conformity with the declaration.

The Committee may, if they think fit, finally approve the scheme with such amendments, and shall publish and circulate the same in the same manner and subject to the same right of petition to

Her Majesty in Council as is before directed in the case of the final approval of a scheme, and so on from time to time as often as occasion may require.

Schemes, &c. to be laid before Parliament.

36. After the time has expired for a petition to Her Majesty in Council against any scheme, or after Her Majesty in Council has directed a scheme to be laid before Parliament, the scheme shall be forthwith laid before both Houses of Parliament, if Parliament be sitting, or if not, then within three weeks after the beginning of the next ensuing session of Parliament, and, unless an address is within *forty* days presented by one or other of the said Houses praying Her Majesty to withhold Her consent from such scheme or any part thereof, it shall be lawful for Her Majesty by Order in Council to declare Her approbation of such scheme or any part thereof to which such address does not relate.

Exception as to schemes for endowments under 100*l*.

37. Where a scheme relates to an endowment which during the *seven years* preceding the commencement of this part of this Act has had an average annual gross income of not more than *one hundred pounds*, no petition shall be presented to Her Majesty in Council with reference to such scheme, and such scheme may be approved by Her Majesty in Council without being laid before Parliament.

The certificate of the Charity Commissioners for England and Wales shall be conclusive evidence for the purposes of this section of the income of an endowment.

New scheme on non-approval.

38. If any scheme or any part thereof is not approved by Her Majesty, then the commissioners may thereupon proceed to prepare another scheme in the matter, and so on from time to time as often as occasion may require.

Amendment of schemes.

39. Schemes may be from time to time settled and approved for amending any scheme approved under this part of this Act, and all the provisions of this part of this Act relative to an original scheme shall apply also to an amending scheme, mutatis mutandis.

Scheme to take effect.

40. A scheme shall not of itself have any operation, but the same, when and as approved by Her Majesty in Council, shall from the date specified in the scheme, or, if no date is specified, from the date of the Order in Council, have full operation and effect in the same manner as if it had been enacted in this Act.

Effect of scheme.

41. Upon a scheme coming into operation, every Act of Parliament, letters patent, statute, deed, instrument, trust, or direction relating to the subject matter of the scheme, and expressed by such scheme to be repealed and abrogated, shall, by virtue of the scheme and of this Act, be repealed and abrogated from the date in that behalf specified, or if no date is specified, from the date of the scheme coming into operation, and all property purporting to be transferred by such scheme shall, without any other conveyance or act in the law (so far as may be), vest in the transferees, and so far as it cannot be so vested shall be held in trust for the transferees.

Evidence of scheme.

42. The Order in Council approving a scheme shall be conclusive evidence that such scheme was within the scope of and made in conformity with this Act, and the validity of such scheme and order shall not be questioned in any legal proceedings whatever.

Power of commissioners, &c. as to procuring evidence. 18 & 19 Vict. c. 124. ss. 6–9.

43. Sections six, seven, eight, and nine of "The Charitable Trust Act, 1855," (relating to evidence, and the attendance and examination of witnesses,) shall extend to the commissioners and assistant commissioners under this part of this Act, as if they were the commissioners and inspectors mentioned in those sections.

Inquiry by public sittings by commissioners, &c.

44. Where any commissioner or assistant commissioner holds a local inquiry for the purpose of a scheme under this part of this Act, whether before or after the first publication of a draft scheme, he shall for that purpose hold a sitting or sittings in some convenient place in the neighbourhood of the place where the endowment is situate or administered, and thereat take and receive any evidence and information offered, and hear and inquire into any objections or suggestions made or to be made during the sitting or sittings respecting the scheme or the endowment or school, with power from time to time to adjourn any sitting.

Notice shall be published, in such manner as the commissioners direct, of every such sitting (except an adjourned sitting), *fourteen days* at least before the holding thereof.

Report of assistant commissioner.

45. The assistant commissioner who holds a local inquiry shall make a report in writing to the commissioners setting forth the result of the inquiry, and where a draft scheme has been referred to him whether in his opinion such draft should be approved with or without alteration, and if with any, then with what alteration, and his reasons for the same, and the objections and suggestions, if any, made on the inquiry, and his opinion thereon.

Miscellaneous.

Restriction of powers of Charity Commissioners, Court, &c.

46. During the continuance of the power of making schemes under this part of this Act the Charity Commissioners for England and Wales, or any Court or Judge, shall not, with respect to any endowment which can be dealt with by a scheme under this part of

A.D. 1869.

this Act, make any scheme or appoint any new trustees without the consent of the Committee of Council on Education.

During the same period the Charity Commissioners shall have the same power of acting upon application made to them by the commissioners under this part of this Act with respect to any educational endowment as they would have if such application had been made by the governing body of such endowment.

Governing body to act by majority.

47. The majority of a governing body shall have power to do anything that may be required to be done by a governing body for the purposes of this part of this Act.

Persons acquiring interest after passing of Act to be subject to scheme.

48. Every interest, right, privilege, or preference, or increased interest, right, privilege, or preference, which any person may acquire after the passing of this Act in or relative to any endowed school or educational endowment, or in the governing body thereof, or as member of any such governing body, or in or relative to any mastership, office, place, employment, pension, compensation, allowance, exhibition, or emolument in the gift of any such governing body, shall be subject to the provisions of any scheme made under this part of this Act.

Service of notices.

49. Notices and documents required to be served on or sent to a governing body for the purposes of this part of this Act may be served or sent by being left at the office, if any, of such governing body, or being served on or sent to the chairman, secretary, clerk, or other officer of such governing body, or if there is no office, chairman, secretary, clerk, or officer, or none known to the commissioners (after reasonable inquiry), by being served on or sent to the principal teacher of the school (if any) under such governing body.

Service by post.

50. Notices and documents required to be served or sent for the purposes of this part of this Act may be served or sent by post, and shall be deemed to have been served and received at the time when the letter containing the same would be delivered in the ordinary course of the post; and in proving such service or sending it shall be sufficient to prove that the letter containing the notices or documents was properly addressed and put into the post office.

Expenses of Act.

51. *The salaries paid and expenses incurred in carrying into effect this part of this Act shall be defrayed out of moneys to be provided by Parliament.*

Duration of powers of making schemes.

52. The powers of making and approving of a scheme under this part of this Act shall not, unless continued by Parliament, be exercised after the *thirty-first of December one thousand eight hundred and seventy-two*, or such further day not later than the *thirty-first of December one thousand eight hundred and seventy-three,* as may be appointed by Her Majesty in Council.

PART II.

Permanent.

Examination of Teachers and Schools.

Examination of endowed schools.

53. After a date to be fixed by Her Majesty by Order in Council, every endowed school shall be open for the examination of its scholars, under the authority in this part of this Act mentioned, whenever required by such authority, and the governing body shall afford or cause to be afforded all necessary facilities for such examination.

Qualification of master.

54. After a date to be fixed by Her Majesty in Council, not earlier than the first of January one thousand eight hundred and seventy, no person shall be capable of being appointed to the office of teacher in any endowed school, including that of principal teacher, if he or she (as the case may be) does not possess, according to the character of the school or the nature of the instruction to be given by such teacher, a certificate of fitness granted under this part of this Act, or a certificate issued under the authority of the Committee of Council on Education.

If any principal teacher or teacher is appointed without such certificate as is required under this section, his or her office shall be void, and the governing body, or in their default the authority which grants the certificate, shall appoint another duly qualified person in his or her place.

Establishment of Educational Council.

55. There shall be established for the purposes of this part of this Act an Educational Council with the powers herein mentioned.

Appointment of members of council.

56. The Educational Council shall consist of twelve members appointed as follows; that is to say,

(1.) Two persons shall be elected by the congregation of the University of Oxford:

(2.) Two persons shall be elected by the persons whose names are on the electoral roll of the Senate and University of Cambridge:

(3.) Two persons shall be elected by the Senate of the University of London:

(4.) Six persons shall be nominated by Her Majesty with the advice of Her Privy Council.

A.D. 1869.

The provisions respecting the election and nomination of members of the Council, which are contained in the first schedule to this Act, shall be observed in the same manner as if such provisions were enacted in the body of this Act.

Constitution of Educational Council.

57. With respect to the constitution of the Educational Council the following provisions shall have effect, viz.:

(1.) The Council shall be a body corporate by the name of the Educational Council for England and Wales, with perpetual succession and a common seal.

(2.) No act or proceeding of the Council shall be questioned on account of any vacancy or vacancies in their body.

(3.) No defect in the qualification or election of any persons or person acting as members or member of the Council shall be deemed to vitiate any proceedings of the Council in which he or they have taken part in cases where the majority of members parties to such proceedings were duly entitled to act.

(4.) Any minute made of proceedings at meetings of the Council if signed by any person purporting to be the chairman of the Council, either at the meeting of the Council at which such proceedings took place or at the next ensuing meeting of the Council, shall be receivable in evidence in all legal proceedings without further proof; and, until the contrary is proved, every meeting of the Council, in respect of the proceedings of which minutes have been so made, shall be deemed to have been duly convened and held, and all the members thereof to have been duly qualified.

(5.) The members of a Council may apply any moneys in their hands for the purpose of indemnifying themselves against any law costs or damages which they may incur in or in consequence of the execution of the powers granted to them.

(6.) The rules contained in the second schedule to this Act with respect to the proceedings of the Council, and the other matters therein contained, shall be observed in the same manner as if such rules were enacted in the body of this Act.

Powers of Educational Council.

58. The Educational Council shall have the following powers and duties, viz.:

(1.) They shall draw up rules and make all necessary arrangements for the conducting of the examination of persons who being teachers or intending to be teachers voluntarily apply to be so examined:

(2.) They may grant certificates of fitness for teaching, whether that fitness is ascertained by such examinations, or by any examinations which the Council may deem sufficient for the purpose, and shall keep a register of persons having such certificates, and may draw up rules with respect to such register and certificates, and the description, classes, and nature of such certificates:

(3.) They shall draw up rules and make all necessary arrangements for the conducting of examinations of scholars in endowed schools, and of examinations for exhibitions open for competition among endowed schools, and may, if they think fit, publish the names of the successful scholars in any examination:

(4.) They shall keep a register of private schools as herein-after mentioned, and may draw up conditions of the registry of such schools, and may apply to registered schools all or any part of the rules they make for endowed schools:

(5.) They shall perform all such other matters as are intrusted to them under this Act:

(6.) They shall make an annual report to Her Majesty stating their proceedings under this Act, an account of their receipts and expenditure, the condition of such schools as they examine, and such matters respecting endowments for and the condition of education as they think fit:

(7.) They shall print the register of all persons to whom they have granted certificates of fitness for teaching, and the register of private schools, and shall sell copies thereof, for such reasonable price as they may fix, to all persons applying for the same.

Secretary and officers of Council.

59. It shall be lawful for Her Majesty, to appoint some fit person to be a secretary to the Educational Council, with such remuneration as the Council, with the approval of the Committee of Council on Education, may fix.

The Council may appoint examiners, and employ clerks and officers for the purpose of this part of this Act, with such remuneration as they, with the approval of the Committee of Council, think fit.

Expenses of and fees to member of Council.

60. Each member of the Educational Council shall be entitled for each time that he attends a meeting of the Council to receive such reasonable amount for his expenses as the Council may from time to time fix, with the approval of Her Majesty.

A.D. 1869.

Expenses of Educational Council.

61. The expenses incurred by the Educational Council shall be defrayed out of a fund to be raised as follows:

(1.) Every person applying to be examined for a certificate of fitness for teaching shall, before such examination, pay such fee, and every person receiving a certificate of fitness shall, before the receipt, pay such fee, as may be from time to time fixed by the Educational Council, with the approval of the Committee of Council:

(2.) The governing body of every endowed school shall pay to the Council such per-centage on the fees for instruction payable by the scholars for the time being in such school, not exceeding *five per cent.*, as the Council may from time to time fix, with the like approval:

(3.) Where any scholars are exempt from fees the governing body shall pay out of the revenues of the school the same amount in respect of such scholars as would be payable if those scholars paid fees:

(4.) The sum payable by the governing body shall be paid at such times and in such manner as the Council may from time to time fix, and shall be calculated, as far as may be, according to the actual number of scholars from time to time in the school:

(5.) The sum payable by the governing body may be recovered as a debt due from them to the Council, or where the principal teacher receives the fees, as a debt due from the governing body and the principal teacher severally to the Council.

Registry of private schools.

62. The proprietor or other persons having the management of any school, not being an endowed school, may enter such school on a register to be kept for that purpose by the Educational Council.

Privileges of registered schools.

63. A registered school, so long as it complies with the conditions of registry, shall be entitled to the following privileges:

(1.) Its scholars may be examined, and the names of the successful ones published under the authority of the Educational Council:

(2.) Its scholars may compete for any exhibitions which are open for competition among endowed schools of the district in which they might compete for exhibitions if the school were an endowed school, subject to the following qualifications:

(*a.*) The school shall in the opinion of the Educational Council be of the same character as the endowed schools for the scholars of which the exhibition is intended:

(*b*.) The limits of age of the competing scholars shall be the same as those imposed on the endowed schools and the scholars therein for whom the exhibition is intended.

Conditions of registry.

64. The conditions of registry of a school are as follows:

(1.) The school shall be open at all times for the examination of its scholars, under the authority of the Educational Council, in the same manner as endowed schools:

(2.) The fees charged to scholars shall not, in the opinion of the Council, be so high as to put the school beyond the reach of the class of scholars for whom the endowed schools of the same character in the same district above mentioned are intended:

(3.) The proprietor shall pay to the Council the same per-centage on the fees of the scholars in the school as is charged in respect of endowed schools of the same character in the said district:

(4.) The rules and conditions drawn up by the Educational Council shall be duly observed.

If any of the above conditions are broken, the Council may remove the school from the register.

A.D. 1869.

SCHEDULES.

FIRST SCHEDULE.

Election of Educational Council.

1. The elected members of the Educational Council shall be elected by the respective elective bodies at one of their ordinary meetings or at a meeting summoned for the purpose.

2. The first election shall be held during the first term after the commencement of this Act, or at such other time as Her Majesty may fix.

3. The subsequent elections shall be held during the term preceding the time for the retirement of members, or such other time as the elective body may fix.

4. It shall be the duty of the persons who respectively have power to summon a meeting of the elective bodies to summon a meeting (if necessary) for the purpose of such election, and otherwise to provide for the elective bodies proceeding to such election.

5. The election shall be conducted in manner in which elections are ordinarily conducted, and any member of the elective body shall have power to propose a person for election.

6. Notice of the election of a person to be a member of the Council shall be sent to that person by the chairman of the body by which he is elected, and in the first election to the Committee of Council on Education, in subsequent elections to the Secretary of the Council.

7. The first members elected or nominated shall hold office for three years only, ending on the thirty-first of December one thousand eight hundred and seventy-two. The offices of retiring members shall be filled by an equal number of newly elected members.

8. If in any case no new members are elected or nominated, the members formerly elected or nominated by the body so failing to elect, or by Her Majesty, shall continue in office until a new election is held or nomination made.

9. Members chosen to fill the offices of retiring members shall come into office on the thirty-first of December, and shall hold office for three years only, and such three years shall date from the thirty-first of December in which the last triennial retirement took place.

10. Any person who ceases to be a member of the council shall, if otherwise duly qualified, be re-eligible.

11. A member of the council may resign on giving to the committee one month's previous notice in writing of his intention so to do.

12. If a member of the council absents himself during six successive months from all meetings of the council, except from temporary illness or other cause to be approved by the council, or is adjudged bankrupt, or enters into a composition or arrangement with his creditors, such person shall cease to be a member of the council, and his office shall thereupon be vacant.

13. If any casual vacancy in office occurs by death, resignation, disqualification, or otherwise, some properly qualified person to fill up the vacancy may be elected by the body which elected the vacating member, or appointed by Her Majesty, as the case may require.

14. A member chosen to fill a casual vacancy shall hold office during such period only as the vacating member would have been entitled to hold it if the vacancy had not occurred.

SECOND SCHEDULE.

Proceedings of Educational Council.

1. The council shall meet for the despatch of business, and shall from time to time make such regulations with respect to the summoning, notice, place, management, and adjournment of such meetings, and generally with respect to the transaction and management of business, including the quorum at meetings of the council, as they think fit, subject to the following conditions:—

(*a*) The first meeting shall be held on such day as Her Majesty may fix:

(*b*) Not less than one ordinary meeting shall be held in each month, unless Her Majesty otherwise direct; one meeting shall be held as soon as possible after every triennial retirement of members:

(*c*) An extraordinary meeting may be held at any time on the written requisition of three members of the council, addressed to the secretary of the council:

(*d*) The quorum to be fixed by the council shall consist of not less than three members:

(*e*) All questions shall be decided by a majority of votes of the members present and voting on that question:

A.D. 1869.

(*f*) The names of the members present, as well as of those voting upon each question, shall be recorded:

(*g*) No business involving the removal of a school from the register, or any new expense, or any business of which notice is required by the regulations of the council to be given, shall be transacted unless notice in writing of such business has been sent to every member of the council seven days at least before the meeting.

2. The council shall, at their first meeting, and afterwards from time to time at their first meeting after every triennial retirement of members of the council, appoint one of their members to be chairman and one other of their members to be a vice-chairman for the three years following such choice. The chairman and vice-chairman may respectively resign by giving written notice thereof to the council.

3. If any casual vacancy occurs in the office of chairman or vice-chairman, the council shall, as soon as they conveniently can after the occurrence of such vacancy, choose one of their members to fill such vacancy; and every such chairman or vice-chairman so elected as last aforesaid shall continue in office so long only as the person in whose place he may be so elected would have been entitled to continue if such vacancy had not happened.

4. If at any meeting the chairman is not present at the time appointed for holding the same, the vice-chairman shall be the chairman of the meeting; and if neither the chairman nor vice-chairman shall be present, then the members present shall choose some one of their number to be chairman of such meeting.

5. In case of an equality of votes at any meeting, the chairman for the time being of such meeting shall have a second or casting vote.

6. All orders of the council shall be deemed to be duly executed if signed by two or more members of the council authorized to sign them by a resolution of the council, and countersigned by the secretary, but in any legal proceeding it shall be presumed, until the contrary is proved, that the members signing any such order or precept were authorized to sign them.

7. The appointment of any officer of the council may be made by a minute of the council, signed by the chairman of the council, and countersigned by the secretary (if any) of the council, and any appointment so made shall be as valid as if it were made under the seal of the council.

Endowed Schools.

A

BILL

To amend the Law relating to Endowed Schools and other Educational Endowments in England, and otherwise to provide for the Advancement of Education.

(Prepared and brought in by
Mr. W. E. Forster and Mr. Secretary Bruce.)

Ordered, by The House of Commons, *to be Printed,*
18 *February* 1869.

[Bill 3.]

Under 4 *oz.*

Endowed Schools Bill.

[AS AMENDED BY THE SELECT COMMITTEE]

ARRANGEMENT OF CLAUSES.

Preliminary.

Clause
1. Short title.
2. Application of Act.
3. Commencement of Act.
4. Definition of "endowment."
5. Definition of "educational endowment."
6. Definition of "endowed school."
7. Interpretation of terms.
8. Saving of certain schools.

Reorganization of Endowed Schools.

9. Schemes for application of educational endowments.
10. Schemes as to governing bodies.
11. Educational interests of persons entitled to privileges.
12. Clause A.—Schemes to extend benefits to girls.
13. Saving of interest of foundationer, master, governing body, &c.
14. Saving for modern endowments, cathedral schools, &c.
15. Religious education in day schools.
16. Religious education in boarding schools.
17. Governing body not to be disqualified on ground of religious opinions.
18. Masters not to be required to be in holy orders.
19. Schools excepted from provisions as to religion.
20. Transfer of jurisdiction of visitors.
21. Abolition of jurisdiction of ordinary as to licensing masters.
22. Tenure of office of teachers.
23. General provisions.
24. Clause B.—Apportionment of mixed endowments.
25. Clause C.—New endowment mixed with old buildings, &c.
26. Clause D.—Claims of Cathedral schools against Ecclesiastical Commissioners.

Clause
27. Alteration of scheme.
28. Apprenticeship fees, &c.
29. Application to education of non-educational charities.

Procedure for making Schemes.

30. Commissioners for purposes of Act.
31. Preparation of draft scheme.
32. Printing and publication of draft scheme.
33. Objections and suggestions respecting scheme and alternative scheme.
34. Inquiry into scheme.
35. Framing of scheme.
36. Approval of Committee of Council on Education.
37. Consent of colleges or hall.
38. Appeal to Queen in Council.
39. Proceedings where scheme is remitted.
40. Schemes, &c. to be laid before Parliament.
41. Exception as to schemes for endowments under 100*l.*
42. New scheme on non-approval.
43. Amendment of schemes.
44. Scheme to take effect.
45. Effect of scheme.
46. Evidence of scheme.
47. CLAUSE E.—Quorum of commissioners.
48. Power of commissioners, &c. as to procuring evidence.
49. Inquiry by public sittings by commissioners, &c.
50. Report of assistant commissioner.

Miscellaneous.

51. Restriction of powers of Charity Commissioners, Court, &c.
52. Quorum of governing body for acting under Act.
53. Persons acquiring interest after passing of Act to be subject to scheme.
54. Service of notices.
55. Service by post.
56. Expenses of Act.
57. Duration of powers of making schemes.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Amend the Law relating to Endowed Schools and other Educational Endowments in England, and otherwise to provide for the Advancement of Education.

A.D. 1869.

WHEREAS the commissioners appointed by Her Majesty under a commission issued in the year one thousand eight hundred and sixty-five, to inquire into the education given in schools not comprised within the scope of certain letters patent of Her Majesty, bearing date respectively the thirtieth day of June one thousand eight hundred and fifty-eight and the eighteenth day of July one thousand eight hundred and sixty-one, have made their report, and thereby recommended various changes in the government, management, and studies of endowed schools, and of the application of educational endowments, with the object of promoting their greater efficiency, and of carrying into effect the main designs of the founders thereof, by putting a liberal education within the reach of children of all classes; and have further recommended other measures for the object of improving education: And whereas such objects cannot be attained without the authority of Parliament:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as "The Endowed Schools Act, 1869." Short title.

2. This Act shall not apply to Scotland or Ireland. Application of Act.

3. This Act shall come into operation on the passing thereof, which date is in this Act referred to as the commencement of this Act. Commencement of Act.

A.D. 1869.

Definition of "endowment."

4. In this Act, unless the context otherwise requires, the term "endowment" means every description of property, real, personal, and mixed, which is dedicated to such uses as are referred to in this Act in whomsoever such property may be vested, and in whosesoever name it may be standing, and whether such property is in possession or in reversion, or a thing in action.

Definition of "educational endowment."

5. In this Act, unless the context otherwise requires, the term "educational endowment" means an endowment or any part of an endowment which, or the income whereof has been made applicable or is applied for the purposes of education at school of boys and girls or either of them, or of exhibitions tenable at a school or an university or elsewhere, whether the same has been made so applicable by the original instrument of foundation or by any subsequent Act of Parliament, letters patent, decree, scheme, order, instrument, usage, or otherwise, and whether it has been made applicable or is applied in the shape—of payment to the governing body of any school or any member thereof, or to any teacher or officer of any school, or to any person bound to teach, or to scholars in any school, or their parents, or—of buildings, houses, or school apparatus for any school, or otherwise howsoever.

Definition of "endowed school."

6. In this Act, unless the context otherwise requires, the term "endowed school" means a school which is (or if it were not in abeyance would be) wholly or partly maintained by means of any endowment: Provided that a school belonging to any person or body corporate shall not by reason only that exhibitions are attached to such school be deemed to be an endowed school.

Interpretation of terms.

7. In this Act, unless the context otherwise requires,—

The term "exhibition" means any exhibition, scholarship, or other like emolument; and the term "exhibitioners" and other terms referring to exhibitions are to be construed accordingly:

The term "governing body" means any body corporate, persons or person who have the right of holding, or any power of government of or management over any endowment or any endowed school, or have any power of appointing officers, teachers, exhibitioners or others, either in any endowed school, or with emoluments out of any endowment:

The term "Committee of Council on Education" means the Lords of the Committee of Her Majesty's Privy Council on Education.

A.D. 1869.

Saving of certain schools.

8. Nothing in this Act save as in this Act expressly provided shall apply—

(1.) To any school mentioned in section three of the Public Schools Act, 1868, or to the endowment thereof:

(2.) To any school which, on the first of January one thousand eight hundred and sixty-nine, was maintained wholly or partly out of annual voluntary subscriptions, and had no endowment except school buildings or teachers' residences or playground, or gardens attached to such buildings or residences:

(3.) To any school which, at the commencement of this Act, is in receipt of an annual grant from the Government, or to the endowment thereof; unless such school is a grammar school, as defined by the Act of third and fourth Victoria, chapter seventy-seven, or a school a department of which only is in receipt of such grant:

(4.) To any school (unless it is otherwise subject to this Act) which is maintained out of any endowment the income of which may, in the discretion of the governing body thereof, be wholly applied to other than educational purposes, or to such endowment:

(5.) To any school (unless it is otherwise subject to this Act) which receives assistance out of any endowment the income of which may, in the discretion of the governing body of such endowment, be applied to some other school:

(6.) To any endowment applicable and applied solely for promoting the education of the ministers of any church or religious denomination, or for teaching any particular profession, or to any school (unless it is otherwise subject to this Act) which receives assistance out of such endowment:

(7.) To any school which on the first of January one thousand eight hundred and sixty-nine was used solely for the education of choristers, or to the endowment of any such school if applicable solely for such education.

Reorganization of Endowed Schools.

Schemes for application of educational endowments.

9. The Commissioners (appointed as in this Act mentioned), by schemes made during the period, in the manner and subject to the provisions in this Act mentioned, shall have power, in such manner as may render any educational endowment most conducive to the advancement of the education of boys and girls, or either of them, to alter, and add to any existing, and to make

A.D. 1869.

new trusts directions and provisions in lieu of any existing, trusts directions and provisions which affect such endowment, and the education promoted thereby, including the consolidation of two or more such endowments.

Schemes as to governing bodies.

10. The Commissioners (by any scheme) made during the period in the manner, and subject to the provisions in this Act mentioned, shall have power to alter the constitution, rights, and powers of any governing body of an educational endowment, and to incorporate any such governing body, and to establish a new governing body, corporate or unincorporate, with such powers as they think fit, and to remove a governing body, and in the case of any corporation (whether a governing body or not) incorporated solely for the purpose of any endowment dealt with by such scheme, to dissolve such corporation.

Educational interests of persons entitled to privileges.

11. It shall be the duty of the commissioners in every scheme which abolishes or modifies any privileges or educational advantages to which a particular class of persons are entitled, and that whether as inhabitants of a particular area or otherwise, to have due regard to the educational interests of such class of persons.

CLAUSE A. Schemes to extend benefit to girls.

12. In framing schemes under this Act, provision shall be made so far as conveniently may be for extending to girls the benefits of endowments.

Saving of interest of foundationer, master, governing body, &c.

13. It shall be the duty of the Commissioners to provide in any scheme for saving, or making due compensation for the following vested interests; namely,

(1.) The interest of any boy who was at the time of the passing of this Act on the foundation of any endowed school:

(2.) The tenure by any person of any exhibition dealt with by any such scheme which was held by him at the time of the passing of this Act:

(3.) Such interest as any teacher or officer in any endowed school appointed to his office before the passing of the Endowed Schools Act, 1868, may have:

(4.) Such interest as any person may have in any pension or compensation allowance to which he was entitled at the passing of the Endowed Schools Act, 1868:

(5.) Such interest as any member of the governing body of any educational endowment appointed to his office before the passing of the Endowed Schools Act, 1868, may have in any emolument payable to him as such, or in any right of patronage which has a marketable value, and is capable of being sold by him :

It shall also be the duty of the Commissioners in any scheme relating to any endowed school to take into consideration the rights of patronage which may be at the passing of this Act exercised by any member of the governing body of such school in consequence of any gift or donation made by him.

Saving for modern endowments, cathedral schools, &c.

14. Nothing in this Act shall authorize the making of any scheme interfering—

(1.) with any endowment, or part of an endowment, (as the case may be,) originally given to charitable uses, or to such uses as are referred to in this Act, less than fifty years before the commencement of this Act, unless the governing body of such endowment assent to the scheme:

(2.) with the constitution of the governing body of any school wholly or partly maintained out of the endowment of any cathedral or collegiate church, or forming part of the foundation of any cathedral or collegiate church, unless the dean and chapter of such church assent to the scheme :

(3.) with the constitution of the governing body of any school which governing body is subject to the jurisdiction of the governing body of the people called Quakers, or of the congregation of United Brethren called Moravians, unless the governing body of such school assent to the scheme:

(4.) with any school or exhibition (other than one restricted to any schools, or school or district) forming part of the foundation of any college in Oxford or Cambridge, unless the college assent to the scheme.

Religious education in day schools.

15. In every scheme (except as hereafter mentioned) relating to any endowed school or educational endowment the commissioners shall provide that the parent or guardian of, or person liable to maintain or having the actual custody of any scholar attending such school as a day scholar, may claim, by notice in writing addressed to the principal teacher of such school, the exemption of such scholar from attending prayer or religious worship, or from any lesson or series of lessons on a religious subject, and that such scholar shall be exempted accordingly, and that a scholar shall not by reason of any exemption from attending prayer or religious worship, or from any lesson or series of lessons on a religious subject, be deprived of any advantage or emolument in such

A.D. 1869.

endowed school or out of any such endowment to which he would otherwise have been entitled, except such as may by the scheme be expressly made dependent on the scholar learning such lessons.

They shall further provide that if any teacher, in the course of other lessons at which any such scholar is in accordance with the ordinary rules of such school present, teaches persistently any particular religious doctrine disapproved of by the parent or guardian of, or person liable to maintain or having the actual custody of such scholar, the governing body shall, on complaint made in writing to them by such parent, guardian, or person, hear the complainant, and inquire into the circumstances, and, if the complaint is proved, make all proper provisions for remedying the matter complained of.

Religious education in boarding schools.

16. In every scheme (except as herein-after mentioned) relating to an endowed school the commissioners shall provide that if the parent or guardian of, or person liable to maintain or having the actual custody of any scholar who is about to attend such school, and who but for this section could only be admitted as a boarder, desires the exemption of such scholar from attending prayer or religious worship, or from any lesson or series of lessons on a religious subject, but the persons in charge of the boarding houses of such school are not willing to allow such exemption, then it shall be the duty of the governing body of such school to make proper provisions for enabling the scholar to attend the school and have such exemption as a day scholar, without being deprived of any advantage or emolument to which he would otherwise have been entitled, except such as may by the scheme be expressly made dependent on the scholar learning such lessons. And a like provision shall be made for a complaint by such parent, guardian, or person as in the case of a day school.

Governing body not to be disqualified on ground of religious opinions.

17. In every scheme (except as herein-after mentioned) relating to any educational endowment the commissioners shall provide that the religious opinions of any person, or his attendance or non-attendance at any particular form of religious worship, shall not in any way affect his qualification for being one of the governing body of such endowment.

Masters not to be required to be in holy orders.

18. In every scheme (except as herein-after mentioned) relating to an endowed school the commissioners shall provide that a person shall not be disqualified for being a master in such school by reason only of his not being or not intending to be in holy orders.

Schools excepted from provisions as to religion.

19. A scheme relating to—

(1.) any school which is maintained out of the endowment of any cathedral or collegiate church, or forms part of the foundation of any cathedral or collegiate church; or

(2.) any educational endowment, the scholars educated by which are, in the opinion of the Commissioners (subject to appeal to Her Majesty in Council as mentioned in this Act) required by the express terms of the original instrument of foundation or of the statutes or regulations made by the founder or under his authority, in his lifetime or within fifty years after his death, (which terms have been observed down to the commencement of this Act,) to learn or to be instructed according to the doctrines or formularies of any particular church, sect, or denomination,

is excepted from the foregoing provisions respecting religious instruction, and attendance at religious worship (other than the provisions for the exemption of day scholars from attending prayer or religious worship, or lessons on a religious subject, when such exemption has been claimed on their behalf,) and respecting the qualification of the governing body and masters (unless the governing body assents to such scheme).

And a scheme relating to any such school or endowment shall not, without the consent of the governing body thereof, make any provision respecting the religious instruction or attendance at religious worship of the scholars, (except for securing such exemption as aforesaid,) or respecting the religious opinions of the governing body or masters.

Transfer of jurisdiction of visitors.

20. In every scheme the commissioners may, if they think fit, provide for the transfer to Her Majesty of all rights and powers reserved to, belonging to, claimed by, or capable of being exercised by any person, persons, or body corporate as visitor of the endowed school or educational endowment to which the scheme relates.

They shall also provide that such rights, and powers as aforesaid, if vested in Her Majesty at the commencement of this Act, or if transferred to Her Majesty by the scheme, shall be exercised only through and by the Charity Commissioners for England and Wales.

Abolition of jurisdiction of ordinary as to licensing matters.

21. In every scheme the commissioners shall provide for the abolition of all jurisdiction of the ordinary relating to the licensing of masters in any endowed school, or of any jurisdiction arising from such licensing.

Tenure of office of teachers.

22. In every scheme the commissioners shall provide for the dismissal at pleasure of every teacher and officer in the endowed school to which the scheme relates, including the principal teacher, with or without a power of appeal in such cases and under such circumstances as to the commissioners may seem expedient.

General provisions.

23. In any scheme the commissioners may insert all powers and provisions that may be thought expedient for carrying its objects into effect.

Clause B. Apportionment of mixed endowments.

24. Where part of an endowment is an educational endowment within the meaning of this Act, and part of it is applicable and applied to other charitable uses, the Commissioners shall by any scheme relating to such endowment provide:

(1.) That (unless with the consent of the governing body of such endowment), such sum as in their opinion, subject to appeal to Her Majesty in Council, is the average annual amount which is applicable, or (if no fixed proportion is applicable) which has during the three years previously to the passing of this Act been applied to such other charitable uses, shall not be diverted by the scheme from such uses.

(2.) That where such average annual amount exceeds one-half of the whole income of the endowment, the governing body of such endowment existing at the date of the scheme shall, so far as regards its non-educational purposes, remain unaltered by the scheme unless they assent to the scheme;

(3.) That where the governing body remains so unaltered, that body shall pay such annual proportion of the income as has been paid previously to the passing of this Act, or as may be fixed by the Commissioners, subject to appeal to Her Majesty in Council, to the educational purposes of the endowment.

Subject to the foregoing provisions of this section, the Commissioners shall have power by any scheme to deal with such endowment, and with the governing body thereof, in the same manner in all respects as if the whole of it were an educational endowment.

Clause C. New endowment mixed with old buildings, &c.

25. Where an endowment or part of an endowment originally given to charitable uses less than fifty years before the commencement of this Act has, by reason of having been spent on school buildings or teachers residences, or playground or gardens attached to such buildings or residences, become so mixed with an old endowment given more than fifty years before the passing of this Act, that in the opinion of the Commissioners (subject to appeal to Her Majesty in Council) it cannot conveniently be divided, then the whole endowment shall for the purposes of this Act be deemed to be an endowment originally given to charitable uses more than fifty years before the commencement of this Act.

Clause D. Claims of cathedral schools against Ecclesiastical Commissioners. 29 & 30 Vict. c. 111. s. 18.

26. Where an educational endowment at the commencement of this Act forms or has formed part of the endowment of any cathedral or collegiate church, the Commissioners may submit to the Ecclesiastical Commissioners for England proposals for meeting out of the common fund of the Ecclesiastical Commissioners the claims of any school receiving assistance out of the endowment of any such church to have an increased provision made for it in respect of any estates of such church which may have been transferred to the Ecclesiastical Commissioners. And the Ecclesiastical Commissioners on assenting to any such proposal or any modification of it may make such provision out of their common fund by such means and in such manner as they think best, and a scheme under this Act may with their consent be made for carrying such proposal into effect.

Alteration of scheme.

27. In any scheme the commissioners may provide for the alteration from time to time of such portions of the scheme as they think expedient by the Charity Commissioners for England and Wales in the exercise of their ordinary jurisdiction, provided such alteration shall not be contrary to anything contained in this Act.

Apprenticeship fees, &c.

28. For the purposes of this Act endowments attached to any school for the payment of apprenticeship fees or for the advancement in life, or for the maintenance or clothing or otherwise for the benefit of children educated at such school shall be deemed to be educational endowments.

Provided that nothing shall be construed to prevent a scheme relating to any such endowment from providing, if it is expedient to do so, for the continued application of such endowment to the same purposes.

Application to education of non-educational charities.

29. In the case of any endowment which is not an educational endowment as defined in this Act, but the income of which is applicable wholly or partially to any one or more of the following purposes; namely,—

Doles in money or kind;

Marriage portions;

Redemption of prisoners and captives;

Relief of poor prisoners for debt; or

Any purposes which have failed altogether or have become insignificant in comparison with the magnitude of the endowment, if originally given to charitable uses in or before the year of our Lord one thousand eight hundred;

A.D. 1869.

it shall be lawful for the Commissioners, with the consent of the governing body to declare that it is desirable to apply for the advancement of education the whole or any part of such endowment, and thereupon the same shall for the purposes of this Act be deemed to be an educational endowment:

Provided that—

(1.) In any scheme relating to such endowment due regard shall be had to the educational interests of the class of persons now benefited thereby.

(2.) No open space at the commencement of this Act enjoyed or frequented by the public shall be enclosed in any other manner than it might have been if this Act had not passed.

Procedure for making Schemes.

Commissioners for purposes of Act.

30. For the purposes of this Act it shall be lawful for Her Majesty from time to time to appoint commissioners (in this Act referred to as "the commissioners"), and to appoint a secretary to such commissioners, and to remove any commissioners or secretary so appointed and appoint others, but the number of such commissioners shall not exceed three at any one time.

The Commissioners of Her Majesty's Treasury may assign to the commissioners and secretary such salaries, and allow them to employ such assistant commissioners, officers, and clerks, as the Commissioners of Her Majesty's Treasury may think proper.

The commissioners and secretary so appointed shall not hold office after the expiration of the time limited for the exercise of their powers.

Preparation of draft scheme.

31. The commissioners, after such examination and inquiry as they think necessary, may prepare drafts of schemes for the purposes of this Act, subject to the following conditions; namely,

(1.) Where the gross average annual income of an endowment during the three years next before the first of January one thousand eight hundred and sixty-nine,—

(a) exceeded ten thousand pounds a year, then before the expiration of twelve months, and where it—

(b) exceeded two thousand pounds a year, or if it is wholly an educational endowment, exceeded one thousand pounds a year, before the expiration of six months,

after the commencement of this Act, the governing body of such endowment may, if they give to the commissioners such notice as in this section mentioned, prepare and submit to the commissioners in writing a scheme relating to such endowment, and the commissioners shall consider such scheme before they themselves prepare any draft of a scheme relating to the same endowment; and any scheme so prepared by the governing body, and submitted to the commissioners, shall, if approved by them, be adopted and proceeded with by them in the same manner as if it were a draft scheme originally prepared by themselves:

(2.) The notice to be given by the governing body to the commissioners is a notice of their intention to prepare and submit to the commissioners a draft of a scheme, which notice shall be in writing, and shall be given to the commissioners within two months after the commencement of this Act:

(3.) The certificate of the Charity Commissioners for England and Wales shall be conclusive evidence for the purposes of this section of the income of an endowment.

Printing and publication of draft scheme.

32. When the commissioners have prepared the draft of a scheme they shall cause it to be printed, and printed copies of it to be sent to the governing body or governing bodies of the endowment or endowments to which it relates, and to the principal teacher of any endowed school to which it relates, and shall also cause the draft, or a proper abstract of it, to be published and circulated in such manner as they think sufficient for giving information to all persons interested.

Objections and suggestions respecting scheme and alternative scheme.

33. During three months after the first publication of the draft of a scheme the commissioners shall receive any objections or suggestions made to them in writing respecting such scheme, and shall receive any alternative scheme submitted to them by the governing body of any endowment to which the scheme of the commissioners relates.

Inquiry into scheme.

34. At any time after the expiration of the three months the commissioners, or any one of them, if they think fit, may hold an inquiry or they may refer the draft of the scheme and the alternative scheme, if any, to an assistant commissioner, and direct him to hold an inquiry concerning the subject matter of such scheme or schemes.

Framing of scheme.

35. As soon as may be after the expiration of the said three months, or the holding of such inquiry by the commissioners or one of them, or the receipt by the commissioners of the report of the assistant commissioner, on the inquiry held by him (as the case may be), the commissioners shall proceed to consider any objections or suggestions made to them in writing respecting the draft scheme, and to consider the alternative scheme (if any), and the report (if any), and thereupon they shall, if they think fit, frame a scheme in such form as they think expedient, and submit it for the approval of the Committee of Council on Education: Provided that where a scheme has been prepared and submitted in pursuance of this Act to the commissioners before the commissioners have prepared the draft of a scheme, the commissioners shall, if requested by the governing body which submitted it, submit such scheme with their own to the Committee of Council on Education.

Approval of Committee of Council on Education.

36. The Committee of Council on Education shall consider all schemes so submitted to them and may, if they think fit, approve any scheme so submitted, and shall cause the scheme so approved to be published and circulated in such manner as they think sufficient for giving information to all persons interested.

If the committee do not approve a scheme submitted to them the commissioners may frame and submit another scheme in the same manner as if no scheme had been previously framed and submitted.

Consent of colleges or hall.

37. Where a scheme abolishes any restriction which makes any exhibition tenable only at a particular college or hall in any university, and the exhibition is payable out of property held by such college, or by the university in trust for such college or hall, (otherwise than as governing body of a school, or as a bare trustee,) the scheme shall not be approved if not less than two thirds of the governing body of such college or hall dissent therefrom in writing; but in every such case the Committee of Council shall make a special report to Parliament setting out the proposed scheme, and stating the dissent, and the reasons, if any, assigned for it.

Appeal to Queen in Council.

38. If the governing body of any endowment to which a scheme relates, or any person or body corporate directly affected by such scheme, feels aggrieved by the scheme, on the ground—

(1.) Of any decision of the commissioners in a matter in which an appeal to Her Majesty in Council is given by this Act; or

(2.) Of the scheme not saving or making due compensation for his or their vested interest as required of this Act;

(3.) Of the scheme being one which is not within the scope of or made in conformity with this Act; or

(4.) (If the governing body are the petitioners,) of a scheme not having due regard to any educational interests, to which regard is required by this Act to be had, on the abolition or modification of any privileges or educational advantages to which a particular class of persons are entitled;

such governing body, person, or body corporate may within two months after the publication of the scheme when approved petition Her Majesty in Council stating the grounds of the petition, and praying Her Majesty to withhold her approval from the whole or any part of the scheme.

Her Majesty, by Order in Council, may refer any such petition for the consideration and advice of five members at the least of Her Privy Council named in the order, of whom two (not including the Lord President) shall be members of the Judicial Committee, and such five members may, if they think fit, admit counsel to be heard in support of and against the petition.

Any petition not proceeded with in accordance with the regulations made with respect to petitions presented to the Judicial Committee of the Privy Council shall be deemed to be withdrawn.

It shall be lawful for Her Majesty by Order in Counci to direct that the scheme petitioned against be laid before Parliament, or to remit it to the commissioners with such declaration as the nature of the case may require.

Proceedings where scheme is remitted.

39. Where a scheme is remitted with a declaration the commissioners may either proceed to prepare another scheme in the matter in the same manner as if no scheme had been previously prepared, or may submit for the approval of the Committee of Council on Education such amendments in the scheme as will bring it into conformity with the declaration.

The Committee may, if they think fit, approve the scheme with such amendments, and shall publish and circulate the same in the same manner and subject to the same right of petition to Her Majesty in Council as is before directed in the case of the approval of a scheme, and so on from time to time as often as occasion may require.

Schemes, &c. to be laid before Parliament.

40. After the time has expired for a petition to Her Majesty in Council against any scheme, or after Her Majesty in Council has directed a scheme to be laid before Parliament, the scheme shall be forthwith laid before both Houses of Parliament, if Parliament be sitting, or if not, then within three weeks after the beginning of the next ensuing session of Parliament, and, after such scheme has lain for forty days before Parliament, then unless within such forty days an address has been presented by one or other of the said Houses praying Her Majesty to withhold Her consent from such scheme or any part thereof, it shall be lawful for Her Majesty by Order in Council to declare Her approbation of such scheme or any part thereof to which such address does not relate.

A.D. 1869.

Exception as to schemes for endowments under 100*l*.

41. Where a scheme relates to an endowment which during the seven years preceding the commencement of this Act has had an average annual gross income of not more than one hundred pounds, no petition shall be presented to Her Majesty in Council with reference to such scheme, and such scheme may be approved by Her Majesty in Council without being laid before Parliament.

The certificate of the Charity Commissioners for England and Wales shall be conclusive evidence for the purposes of this section of the income of an endowment.

New scheme on non-approval.

42. If any scheme or any part thereof is not approved by Her Majesty, then the commissioners may thereupon proceed to prepare another scheme in the matter, and so on from time to time as often as occasion may require.

Amendment of schemes.

43. Schemes may be from time to time framed and approved for amending any scheme approved under this Act, and all the provisions of this Act relative to an original scheme shall apply also to an amending scheme, mutatis mutandis.

Scheme to take effect.

44. A scheme shall not of itself have any operation, but the same, when and as approved by Her Majesty in Council, shall from the date specified in the scheme, or, if no date is specified, from the date of the Order in Council, have full operation and effect in the same manner as if it had been enacted in this Act.

Effect of scheme.

45. Upon a scheme coming into operation, every Act of Parliament, letters patent, statute, deed, instrument, trust, or direction relating to the subject matter of the scheme, and expressed by such scheme to be repealed and abrogated, shall, by virtue of the scheme and of this Act, be repealed and abrogated from the date in that behalf specified, or if no date is specified, from the date of the scheme coming into operation, and all property purporting to be transferred by such scheme shall, without any other conveyance or act in the law (so far as may be), vest in the transferees, and so far as it cannot be so vested shall be held in trust for the transferees.

Evidence of scheme.

46. The Order in Council approving a scheme shall be conclusive evidence that such scheme was within the scope of and made in conformity with this Act, and the validity of such scheme and order shall not be questioned in any legal proceedings whatever.

CLAUSE E. Quorum of commissioners.

47. A scheme of the commissioners shall not be submitted to the Committee of Council on Education unless two at least of the commissioners have signified in writing their approval of such scheme, but in all other respects one commissioner may act under this Act.

Power of commissioners, &c. as to procuring evidence. 18 & 19 Vict. c.124. ss.6–9.

48. Sections six, seven, eight, and nine of "The Charitable Trust Act, 1855," (relating to evidence, and the attendance and examination of witnesses,) shall extend to the commissioners and assistant commissioners under this Act, as if they were the commissioners and inspectors mentioned in those sections.

Inquiry by public sittings by commissioners, &c.

49. Where any commissioner or assistant commissioner holds a local inquiry for the purpose of a scheme under this Act, whether before or after the first publication of a draft scheme, he shall for that purpose hold a sitting or sittings in some convenient place in the neighbourhood of the place where the endowment is situate or administered, and thereat take and receive any evidence and information offered, and hear and inquire into any objections or suggestions made or to be made during the sitting or sittings respecting the scheme or the endowment or school, with power from time to time to adjourn any sitting.

Notice shall be published, in such manner as the commissioners direct, of every such sitting (except an adjourned sitting), fourteen days at least before the holding thereof.

Report of assistant commissioner.

50. The assistant commissioner who holds a local inquiry shall make a report in writing to the commissioners setting forth the result of the inquiry, and where a draft scheme, with or without an alternative scheme, has been referred to him whether in his opinion such draft or alternative scheme, as the case may be, should be approved with or without alteration, and if with any, then with what alteration, and his reasons for the same, and the objections and suggestions, if any, made on the inquiry, and his opinion thereon.

Miscellaneous.

Restriction of powers of Charity Commissioners, Court, &c.

51. During the continuance of the power of making schemes under this Act the Charity Commissioners for England and Wales, or any Court or Judge, shall not, with respect to any endowment which can be dealt with by a scheme under this Act, make any scheme or appoint any new trustees without the consent of the Committee of Council on Education.

During the same period the Charity Commissioners shall have the same power of acting upon application made to them by the commissioners under this Act with respect to any educational endowment as they would have if such application had been made by the governing body of such endowment.

Quorum of governing body for acting under this Act.

52. The majority of the members of a governing body who are present at a meeting of their body duly constituted shall have power to do anything that may be required to be done by a governing body for the purposes of this Act: Provided that this power shall be in addition to and not in restraint of any power which any meeting of such governing body may have independently of this Act.

Persons acquiring interest after passing of Act to be subject to scheme.

53. Every interest, right, privilege, or preference, or increased interest, right, privilege, or preference, which any person may acquire after the passing of this Act in or relative to any endowed school or educational endowment, or in the governing body thereof, or as member of any such governing body, or in or relative to any mastership, office, place, employment, pension, compensation, allowance, exhibition, or emolument in the gift of any such governing body, shall be subject to the provisions of any scheme made under this Act.

Service of notices.

54. Notices and documents required to be served on or sent to a governing body for the purposes of this Act may be served or sent by being left at the office, if any, of such governing body, or being served on or sent to the chairman, secretary, clerk, or other officer of such governing body, or if there is no office, chairman, secretary, clerk, or officer, or none known to the commissioners (after reasonable inquiry), by being served on or sent to the principal teacher of the school (if any) under such governing body.

Service by post.

55. Notices and documents required to be served or sent for the purposes of this Act may be served or sent by post, and shall be deemed to have been served and received at the time when the letter containing the same would be delivered in the ordinary course of the post; and in proving such service or sending it shall be sufficient to prove that the letter containing the notices or documents was properly addressed and put into the post office.

Expenses of Act.

56. *The salaries paid and expenses incurred in carrying into effect this Act shall be defrayed out of monies to be provided by Parliament.*

Duration of powers of making schemes.

57. The powers of making and approving of a scheme under this Act shall not, unless continued by Parliament, be exercised after the thirty-first of December one thousand eight hundred and seventy-two, or such further day not later than the thirty-first of December one thousand eight hundred and seventy-three, as may be appointed by Her Majesty in Council.

Endowed Schools.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To amend the Law relating to Endowed Schools and other Educational Endowments in England, and otherwise to provide for the Advancement of Education.

(*Prepared and brought in by*
Mr. W. E. Forster and Mr. Secretary Bruce.)

Ordered, by The House of Commons, *to be Printed,*
11 *May* 1869.

[Bill 115.]

Under 3 oz.

A

B I L L

[AS AMENDED ON RECOMMITMENT]

TO

Provide for the registry of teachers and the examination of scholars in Endowed schools in England, and otherwise to provide for the advancement of education.

A.D. 1869.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title.

1. This Act may be cited as "The Educational Council Act, 1869."

Application of Act.

2. This Act shall not apply to Scotland or Ireland.

Definition of "endowment."

3. In this Act, unless the context otherwise requires, the term "endowment" means every description of property, real, personal, and mixed, which is dedicated to charitable uses, in whomsoever such property may be vested, and in whosesoever name it may be standing, and whether such property is in possession or in reversion, or a thing in action.

Definition of "endowed school."

4. In this Act, unless the context otherwise requires, the term "endowed school" means a school for boys and girls or either of them which is (or if it were not in abeyance would be) wholly or partly maintained by means of any endowment: Provided that a school belonging to any person or body corporate shall not, by reason only that exhibitions are attached to such school, be deemed to be an endowed school.

Interpretation of terms.

5. In this Act, unless the context otherwise requires,—

The term "exhibition" means any exhibition, scholarship, or other like emolument; and the term "exhibitioners" and other terms referring to exhibitions are to be construed accordingly:

The term "governing body" means any body corporate, persons or person, who have the right of holding, or any power of government or management over, any endowment or any endowed school, or have any power of appointing officers, teachers, exhibitioners, or others, either in any endowed school, or with emoluments out of any endowment:

The term "Committee of Council on Education" means the Lords of the Committee of Her Majesty's Privy Council on Education:

The term "teacher" includes a head or principal teacher.

Saving of certain schools.

6. Nothing in this Act, save as in this Act expressly provided, shall apply—

(1.) To any school which, on the first of January one thousand eight hundred and sixty-nine, was maintained wholly or partly out of annual voluntary subscriptions, and had no endowment except school buildings or teachers residences, or playground or gardens attached to such buildings or residences:

(2.) To any school which is for the time being in receipt of an annual grant from the Government, unless such school is a school a department of which only is in receipt of such grant:

(3.) To any school (unless it is otherwise subject to this Act) which receives assistance out of any endowment the income of which may, in the discretion of the governing body thereof, be wholly applied to other than educational purposes:

(4.) To any school (unless it is otherwise subject to this Act) which receives assistance out of any endowment the income of which may, in the discretion of the governing body of such endowment, be applied to some other school:

(5.) To any school (unless it is otherwise subject to this Act) which receives assistance out of any endowment applicable and applied solely for promoting the education of the ministers of any church or religious denomination, or for teaching any particular profession:

(6.) To any school which, during the six months before the first of January one thousand eight hundred and sixty-nine, was used solely for the education of choristers.

Examination of Teachers and Schools.

Examination of endowed schools.

7. After a date to be fixed by Her Majesty by Order in Council, every endowed school shall be open for the examination of its scholars, under the authority, at the times, and in the manner in this Act mentioned, and the governing body shall afford or cause to be afforded all necessary facilities for such examination.

Registering of teacher necessary for appointment in endowed schools.

8. After a date to be fixed by Her Majesty by Order in Council, not earlier than the first of January one thousand eight hundred and seventy-one, a person shall not be capable of being appointed to the office of teacher in any endowed school (except for a temporary period not exceeding twelve months) unless he or she (as the case may be) is registered under the provisions of this Act in such manner as may correspond to the character and subjects of the chief part of the instruction to be given by such teacher.

If any teacher is appointed who is not registered as is required under this section, his or her office shall be void, and the governing body, or in their default the registering authority, shall appoint a duly qualified person in his or her place.

Establishment of Educational Council.

9. There shall be established for the purposes of this Act an Educational Council with the powers herein mentioned.

Appointment of members of Council.

10. The Educational Council shall consist of twelve members appointed as follows; that is to say,

(1.) Two persons shall be elected by the congregation of the University of Oxford:

(2.) Two persons shall be elected by the persons whose names are on the electoral roll of the Senate of the University of Cambridge:

(3.) Two persons shall be elected by the Senate of the University of London:

(4.) Three persons shall be nominated by Her Majesty with the advice of her Privy Council:

(5.) Three persons, being persons who have had experience as teachers, shall, until such Order in Council as herein-after mentioned comes into operation, be nominated by Her Majesty with the advice of her Privy Council.

The provisions respecting the election and nomination of members of the Council which are contained in the first schedule to this Act shall be observed in the same manner as if such provisions were enacted in the body of this Act.

Election of members by registered teachers.

11. After the expiration of five years from the date at which the above provisions respecting the disqualification of unregistered teachers comes into operation, it shall be lawful for Her Majesty, by Order in Council, to direct that the three members of the Educational Council who are nominated by Her Majesty, and are required to be persons who have had experience as teachers, or any of them, shall cease to be so nominated, and that three or any less number of members shall be elected by the teachers registered under this Act.

A.D. 1869.

The Order may direct that such person or persons shall have such qualifications (if any) and may be elected in such manner, and at such times, and under such regulations, and upon such terms and conditions as may be prescribed by the Order.

Such order shall be published in the London Gazette, and thereupon shall have effect as if it were enacted in this Act, and the provisions of this Act respecting the nomination by Her Majesty of three persons who have had experience as teachers shall, so far as directed by such Order, cease to have any operation, and the persons then in office under those provisions shall cease to be members of the Council.

Constitution of Educational Council.

12. With respect to the constitution of the Educational Council the following provisions shall have effect, namely:

(1.) The Council shall be a body corporate by the name of the Educational Council for England, with perpetual succession and a common seal:

(2.) No act or proceeding of the Council shall be questioned on account of any vacancy or vacancies in their body:

(3.) No defect in the qualification or election of any persons or person acting as members or member of the Council shall be deemed to vitiate any proceedings of the Council in which he or they have taken part in cases where the majority of members parties to such proceedings were duly entitled to act:

(4.) Any minute made of proceedings at meetings of the Council, if signed by any person purporting to be the chairman of the Council, either at the meeting of the Council at which such proceedings took place or at the next ensuing meeting of the Council, shall be receivable in evidence in all legal proceedings without further proof; and, until the contrary is proved, every meeting of the Council, in respect of the proceedings of which minutes have been so made, shall be deemed to have been duly convened and held, and all the members thereof to have been duly qualified:

(5.) The members of the Council may apply any moneys in their hands for the purpose of indemnifying themselves against any law costs or damages which they may incur in or in consequence of the execution of the powers granted to them:

(6.) The rules contained in the second schedule to this Act with respect to the proceedings of the Council and the other matters therein contained shall be observed in the same manner as if such rules were enacted in the body of this Act.

Powers of Educational Council as to registry of teachers.

13. The Educational Council shall have the following powers and duties with respect to teachers, namely:

(1.) They shall draw up rules and make all necessary arrangements for the conducting of the examination of persons who, being teachers or intending to be teachers, voluntarily apply to be so examined:

(2.) They shall keep a register of all teachers, and may draw up rules with respect to such register and the classes into which it is to be divided, and the nature of the qualification entitling to registry in each class, and the evidence to be produced by the applicants for registry:

(3.) They shall enter in such register the name of every applicant whose qualification for teaching has been ascertained by the said examinations under the authority of the Council, or by such examinations, or such proved efficiency in teaching, as the Council may deem sufficient for the purpose:

(4.) They shall enter, without examination, in such register, in such classes as they think fit, the name of every applicant who either

(*a.*) Has obtained honours in any examination entitling him to a degree in any university in England; or

(*b.*) Holds a certificate issued under the authority of the Committee of Council on Education:

(5.) They shall require every applicant for registry to produce before registry satisfactory evidence of his good moral character, and shall not enter in the register the name of any person who fails to produce such evidence, although but for such failure he would, under the express provisions of this Act or otherwise, be entitled to be so registered:

(6.) They may grant under their common seal a certificate to the effect that the person therein named is entered in the register, and stating the class in which he is registered, and the qualifications which justified the registry, and such matters as they think expedient:

(7.) They shall from time to time make in the register all necessary alterations in the qualifications and addresses of registered persons, and shall erase the name of every person who has died, or has ceased for a period of not less than three years to be engaged in the practice of his profession as a teacher:

(8.) If they send two letters at an interval of not less than four nor more than six weeks, addressed to any registered teacher at his registered address, inquiring whether he has ceased to be engaged in the practice of his profession or has changed his residence, and no answer is returned to such letters within six months after the second letter is sent, the Council may erase the name of such teacher from the register; but the name of any teacher erased under this provision shall be restored by the Council on good cause being shown by such person:

(9.) They may, if they think fit, remove from the register the name of any person who has been punished with imprisonment on conviction for any offence, or is found after due inquiry to have been guilty of immorality, drunkenness, or any misconduct which renders him unfit to be a teacher, and on such removal such person shall cease to be a registered teacher within the meaning of this Act.

Power of Educational Council as to examination of schools.

14. The Educational Council shall have the following powers and duties with respect to the examination of scholars in endowed schools:—

(1.) They shall draw up rules and make all necessary arrangements for the conducting of examinations of scholars in every endowed school at stated times (but not oftener than once a year, except with the consent of the governing body of such school), due regard being had in fixing such times to the convenience of each such school:

(2.) They shall, as soon as may be after any such examination of scholars in an endowed school, report to the governing body of such school the results of such examination, and may, if they think fit, publish, in such manner as they think fit, such report, or any part thereof:

(3.) They shall provide that in any such examination the scholars shall not (unless with the consent of the governing body of the school) be required to be examined in any subject not taught or required by the governing body of the school to be taught in the school; they shall also provide for due regard being paid to the proportion of time given in such school to any subject, and to the books used in such school; and the governing body and principal teacher of every endowed school shall give all information necessary for carrying this provision into effect:

(4.) They shall also provide that in any such examination the scholars shall not (unless with the consent of the governing body of the school) be required to be examined in religious knowledge, or in any religious subject or book:

(5.) They may provide for adopting, with or without any modifications as they think expedient, any system for the time being existing for the examination of the scholars of any endowed school by persons approved by the Council:

(6.) They shall draw up rules and make all necessary arrangements for conducting such examinations for exhibitions as by the regulations governing such exhibitions, or by the governing body thereof, are entrusted to their superintendence.

General powers, &c. of Educational Council.

15. The Educational Council shall further have the following powers and duties; namely,

(1.) They shall keep a register of private schools as herein-after mentioned, and may draw up conditions of the registry of such schools:

(2.) They shall draw up rules and make all necessary arrangements for the conducting of examinations of scholars in such registered schools, and when requested shall cause such scholars to be so examined, and may apply to registered schools all or any part of the rules they make for endowed schools:

(3.) They shall perform all such duties and have such powers as are necessary for the carrying this Act into effect:

(4.) They shall make an annual report to Her Majesty stating their proceedings under this Act, an account of their receipt and expenditure, and such matters respecting the schools the examinations of which are conducted under their superintendence, and respecting endowments for and the condition of education as they think fit:

(5.) They shall print the register of teachers kept by them under this Act, and the register of private schools, and shall sell copies thereof, for such reasonable price as they may fix, to all persons applying for the same.

Secretary and officers of Council.

16. It shall be lawful for Her Majesty from time to time to appoint some fit person to be a secretary to the Educational Council, with such remuneration as the Council, with the approval of the Committee of Council on Education, may fix, and to remove such person.

The Council may from time to time appoint and remove examiners, clerks, and officers for the purpose of this part of this Act, and may assign them such remuneration as they, with the approval of the Committee of Council on Education, think fit.

Expenses of members of Council.

17. Each member of the Educational Council shall be entitled for each time that he attends a meeting of the Council to receive such reasonable amount for his actual expenses as the Council may from time to time fix, with the approval of Her Majesty.

Expenses of Educational Council.

18. The expenses incurred by the Educational Council shall be defrayed out of a fund to be raised as follows:

(1.) Every person applying to be examined for the purpose of registry shall, before such examination, pay such fee, and every person on being registered shall, before registry, pay such fee, as may be from time to time fixed by the Educational Council, with the approval of the Committee of Council on Education; and in fixing the amount of the fees so payable, regard may be had, if it is thought desirable, to the character of such examination, and to the class in which the person is registered:

(2.) The governing body of every endowed school shall pay to the Council for each examination of its scholars under the superintendence of the Council a sum sufficient to meet the cost or its share of the cost of such examination so far as paid by the Council, including in such cost such sum as the Educational Council may from time to time with the approval of the Committee of Council on Education fix for defraying a proportionate share of their general expenses, so, nevertheless, that the governing body of a school shall not be required to pay in respect of any examination an amount either—

(*a.*) Exceeding such cost or share of the cost inclusive as aforesaid, or

(*b.*) Exceeding the amount which would be produced by a payment for every scholar then in the school, either at the rate of *ten shillings* a head, or, if in the opinion of the Educational Council the average annual cost of the education is less than ten pounds for each scholar, at the rate per head of *five per cent.* of such cost; or

(*c.*) Exceeding (where the cost of examiners and papers is not paid by the Council) one fifth of the last-mentioned rates.

(3.) The governing body of every exhibition, the examinations for which are conducted under the superintendence of the Educational Council, shall pay to the Council out of the endowment of such exhibition a sum sufficient to meet the cost of the examination, including such sum for a share of general expenses as above mentioned :

(4.) The sum payable by the governing body shall be paid at such times and in such manner as the Council may from time to time fix, and shall be calculated, as far as may be, according to the actual number of scholars from time to time in the school, and a certificate under the common seal of the Council of the amount due shall be evidence of the sum being so payable and of the amount of such sum :

(5.) The sum payable by the governing body may be recovered as a debt due from them to the Council, and where a teacher receives any part of the fees of the scholars the same or a proportionate part thereof may (subject to the contract between the governing body and such teacher) be recovered by the governing body as a debt due from such teacher to the governing body.

Registry of private schools.

19. The proprietor or other persons having the management of any school which is not an endowed school as defined by this Act, or is expressly excepted from this Act, may enter such school on a register to be kept for that purpose by the Educational Council, and before referred to as the register of private schools.

Privileges of registered schools.

20. A registered school, so long as it complies with the conditions of registry, shall be entitled to the following privileges :

(1.) Its scholars may be examined under the authority of the Educational Council :

(2.) Its scholars may compete for any exhibition which is open for competition among endowed schools of the district in which they might compete for exhibitions if the school were an endowed school, subject to the following qualifications :

(*a.*) The school shall, in the opinion of the Educational Council, be of the same character as the endowed schools for the scholars of which the exhibition is intended :

(*b.*) The limits of age of the competing scholars, and the limits of time during which such scholars have been at the school, shall, in the opinion of the Educational Council, be the same as those imposed in the case of endowed schools for the scholars for whom the exhibition is intended:

(*c.*) The fees charged to scholars shall not, in the opinion of the Council, be so high as to put the school beyond the reach of the class of scholars for whom the exhibition is intended.

Conditions of registry.

21. The conditions of registry of a school are as follows:

(1.) The school shall be open for the examination of its scholars, under the authority of the Educational Council, in the same manner as endowed schools:

(2.) The proprietor or other persons having the management of the school shall pay to the Council the like amount as would be charged if it were an endowed school, and such amount shall be a debt due from the proprietor or other persons to the Council, and a certificate under the common seal of the Council of the amount due shall be evidence of the sum being so payable and of the amount of such sum:

(3.) The rules and conditions drawn up by the Educational Council shall be duly observed.

If any of the above conditions are broken the Council may remove the school from the register.

Register to be evidence.

22. A copy of a register under this Act purporting to be printed and published by the Educational Council shall be evidence of such register, and shall be evidence that the persons named therein as registered are so registered in the class and manner in which they appear therein to be registered, and that persons not named therein, or in any class therein, are not registered under this Act or in such class, and that schools named therein as registered are so registered, and that schools not named therein are not so registered.

Forgery of certificate, &c.

23. Every person who forges or fraudulently alters any certificate given under this Act, or forges or counterfeits the seal of the Educational Council, or utters or uses any certificate so forged or altered, or any document with such forged or counterfeited seal, or aids or abets in any such offence, shall be guilty of felony, punishable with penal servitude for a term not exceeding seven years, or with imprisonment for a term not exceeding two years, with or without hard labour.

Penalty on falsification of register.

24. Any person who falsifies or mutilates or makes or causes to be made any false entry in any register kept under the provisions of this Act, or prints, publishes, or knowingly alters any register falsely purporting to be a register printed for, or published by, or having the authority or sanction of the Educational Council, shall be guilty of a misdemeanor, punishable with imprisonment for any term not exceeding twelve months, with or without hard labour.

Penalty for obtaining register, &c. by false representation.

25. Every person who, by any false or fraudulent representations or declarations, whether orally or in writing, procures or attempts to procure himself or any school to be registered under this Act, or procures or attempts to procure a certificate of any such registry, and every person who aids or abets in any such offence, shall be guilty of a misdemeanor, punishable with imprisonment for any term not exceeding twelve months, with or without hard labour.

Penalty for falsely pretending to be registered under Act.

26. Every person who falsely pretends, or falsely adopts or uses any style, title, designation, or description importing, that he is registered under this Act, or holds a certificate signifying that he is so registered, or signifying his qualification for teaching, or is registered in or holds a certificate of registry in a higher or other class than what he actually is registered in or holds under this Act, or holds any qualification under or is recognized as a teacher by the Educational Council, or that any particular school is registered under or otherwise entitled to the advantages of this Act, or aids or abets in any such offence, shall be liable, on summary conviction, to a penalty not exceeding twenty pounds.

Prosecution by Educational Council.

27. The Educational Council may institute any proceeding for punishing any offence under this Act, and may pay any costs thereby incurred as part of their expenses under this Act.

A.D. 1869.

SCHEDULES.

FIRST SCHEDULE.

ELECTION OF EDUCATIONAL COUNCIL.

Election of University Members.

1. The members of the Educational Council who represent the universities shall be elected by the respective elective bodies at one of their ordinary meetings or at a meeting summoned for the purpose.

2. The first election shall be held at such time as Her Majesty may fix.

3. The subsequent elections shall be held during the term preceding the time for the retirement of members, or such other time as the elective body may fix.

4. It shall be the duty of the persons who respectively have power to summon a meeting of the elective bodies to summon a meeting (if necessary) for the purpose of such election, and otherwise to provide for the elective bodies proceeding to such election.

5. The election shall be conducted in manner in which elections are ordinarily conducted, and any member of the elective body shall have power to propose a person for election.

6. Notice of the election of a person to be a member of the Council shall be sent to that person by the person who presides over the body by which he is elected, and in the case of the first election to the Committee of Council on Education, and in subsequent elections to the Secretary of the Council.

7. Of the first members elected, one member for each University shall retire on the thirty-first of December one thousand eight hundred and seventy-three, and the other on the thirty-first of December one thousand eight hundred and seventy-six. The elective body shall, in electing the members, determine which of the members elected by them is to retire first, and in default of such determination the chairman of the Council shall at the first meeting of the Council, or some other meeting appointed by the Committee of Council on Education, determine by ballot which of the members for each University is to retire first.

8. The office of every retiring member shall be filled by a newly elected member.

Nomination of Members by Her Majesty.

9. The members first nominated by Her Majesty shall hold office only for the following periods; namely, one third for two years ending on the thirty-first of December one thousand eight hundred and seventy-two, one third for four years ending on the thirty-first of December one thousand eight hundred and seventy-four, and the remaining third for six years ending on the thirty-first of December one thousand eight hundred and seventy six.

General.

10. If in any case no new member is elected or nominated, the members formerly elected or nominated by the body so failing to elect, or by Her Majesty, shall continue in office until a new election is held or nomination made.

11. Members chosen to fill the offices of retiring members shall come into office on the thirty-first of December, and shall hold office for six years only, and such six years shall date from the thirty-first of December on which the retiring member retired or should have retired.

12. Any person who ceases to be a member of the council shall, if otherwise duly qualified, be re-eligible.

13. A member of the council may resign on giving to the council one month's previous notice in writing of his intention so to do.

14. If a member of the council absents himself during six successive months from all meetings of the council, except from temporary illness or other cause to be approved by the council, or is adjudged bankrupt, or enters into a composition or arrangement with his creditors, such person shall cease to be a member of the council, and his office shall thereupon be vacant.

15. If any casual vacancy in office occurs by death, resignation, disqualification, or otherwise, some person to fill up the vacancy may be elected by the body which elected the vacating member, or nominated by Her Majesty, as the case may require.

16. A member chosen to fill a casual vacancy shall hold office during such period only as the vacating member would have been entitled to hold it if the vacancy had not occurred.

A.D. 1869.

SECOND SCHEDULE.

PROCEEDINGS OF EDUCATIONAL COUNCIL.

1. The council shall meet for the despatch of business, and shall from time to time make such regulations with respect to the summoning, notice, place, management, and adjournment of such meetings, and generally with respect to the transaction and management of business, including the quorum at meetings of the council, as they think fit, subject to the following conditions:—

(*a*) The first meeting shall be held on such day as Her Majesty may fix:

(*b*) Not less than one ordinary meeting shall be held in each month, unless Her Majesty otherwise direct; one meeting shall be held as soon as possible after every retirement of members by rotation:

(*c*) An extraordinary meeting may be held at any time on the written requisition of three members of the council, addressed to the secretary of the council:

(*d*) The quorum to be fixed by the council shall consist of not less than three members, or (in the case of the removal of a teacher or school from the register) of not less than six members:

(*e*) All questions shall be decided by a majority of the votes of the members present and voting on that question:

(*f*) The names of the members present, as well as of those voting upon each question, shall be recorded:

(*g*) No business involving the removal of a teacher or a school from the register, or any new expense, or any business of which notice is required by the regulations of the council to be given, shall be transacted unless notice in writing of such business has been sent to every member of the council seven days at least before the meeting.

2. The council shall, at their first meeting, and afterwards from time to time at their first meeting in every year beginning on the first of January, appoint one of their members to be chairman and one other of their members to be a vice-chairman for that year. The chairman and vice-chairman may respectively resign by giving written notice thereof to the council.

3. If any casual vacancy occurs in the office of chairman or vice-chairman, the council shall, as soon as they conveniently can after the occurrence of such vacancy, choose one of their members to fill such vacancy; and every such chairman or vice-chairman so elected

as last aforesaid shall continue in office so long only as the person in whose place he may be so elected would have been entitled to continue if such vacancy had not happened.

4. If at any meeting the chairman is not present at the time appointed for holding the same, the vice-chairman shall be the chairman of the meeting; and if neither the chairman nor vice-chairman shall be present, then the members present shall choose some one of their number to be chairman of such meeting.

5. In case of an equality of votes at any meeting, the chairman for the time being of such meeting shall have a second or casting vote.

6. All orders of the council shall be deemed to be duly executed if signed by two or more members of the council authorized to sign them by a resolution of the council, and countersigned by the secretary, but in any legal proceeding it shall be presumed, until the contrary is proved, that the members signing any such order were authorized to sign them.

7. The appointment of any officer of the council may be made by a minute of the council, signed by the chairman of the council, and countersigned by the secretary (if any) of the council, and any appointment so made shall be as valid as if it were made under the seal of the council.

Endowed Schools
(No. 2).

A

B I L L

[AS AMENDED ON RECOMMITMENT]

To provide for the registry of teachers and the examination of scholars in Endowed Schools in England, and otherwise to provide for the advancement of education.

(*Prepared and brought in by*
Mr. W. E. Forster and Mr. Secretary Bruce).

Ordered, by The House of Commons, *to be Printed*,
9 *June* 1869.

[Bill 154.]

Under 2 *oz.*

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE AND ON RE-COMMITMENT]

TO

Amend the Law relating to Endowed Schools and other Educational Endowments in England, and otherwise to provide for the Advancement of Education.

A.D. 1869.

WHEREAS the commissioners appointed by Her Majesty under a commission issued in the year one thousand eight hundred and sixty-five, to inquire into the education given in schools not comprised within the scope of certain letters patent of Her Majesty, bearing date respectively the thirtieth day of June one thousand eight hundred and fifty-eight and the eighteenth day of July one thousand eight hundred and sixty-one, have made their report, and thereby recommended various changes in the government, management, and studies of endowed schools, and of the application of educational endowments, with the object of promoting their greater efficiency, and of carrying into effect the main designs of the founders thereof, by putting a liberal education within the reach of children of all classes; and have further recommended other measures for the object of improving education: And whereas such objects cannot be attained without the authority of Parliament:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as "The Endowed Schools Act, 1869." Short title.

2. This Act shall not apply to Scotland or Ireland. Application of Act.

3. This Act shall come into operation on the passing thereof, which date is in this Act referred to as the commencement of this Act. Commencement of Act.

A.D. 1869.

Definition of "endowment."

4. In this Act, unless the context otherwise requires, the term "endowment" means every description of property, real, personal, and mixed, which is dedicated to such uses as are referred to in this Act in whomsoever such property may be vested, and in whosesoever name it may be standing, and whether such property is in possession or in reversion, or a thing in action.

Definition of "educational endowment."

5. In this Act, unless the context otherwise requires, the term "educational endowment" means an endowment or any part of an endowment which, or the income whereof has been made applicable or is applied for the purposes of education at school of boys and girls or either of them, or of exhibitions tenable at a school or an university or elsewhere, whether the same has been made so applicable by the original instrument of foundation or by any subsequent Act of Parliament, letters patent, decree, scheme, order, instrument, usage, or otherwise, and whether it has been made applicable or is applied in the shape—of payment to the governing body of any school or any member thereof, or to any teacher or officer of any school, or to any person bound to teach, or to scholars in any school, or their parents, or—of buildings, houses, or school apparatus for any school, or otherwise howsoever.

Definition of "endowed school."

6. In this Act, unless the context otherwise requires, the term "endowed school" means a school which is (or if it were not in abeyance would be) wholly or partly maintained by means of any endowment: Provided that a school belonging to any person or body corporate shall not by reason only that exhibitions are attached to such school be deemed to be an endowed school.

Interpretation of terms.

7. In this Act, unless the context otherwise requires,—

The term "exhibition" means any exhibition, scholarship, or other like emolument; and the term "exhibitioners" and other terms referring to exhibitions are to be construed accordingly:

The term "governing body" means any body corporate, persons or person who have the right of holding, or any power of government of or management over any endowment or any endowed school, or have any power of appointing officers, teachers, exhibitioners or others, either in any endowed school, or with emoluments out of any endowment:

The term "Committee of Council on Education" means the Lords of the Committee of Her Majesty's Privy Council on Education.

Saving of certain schools.

8. Nothing in this Act save as in this Act expressly provided shall apply—

(1.) To any school mentioned in section three of the Public Schools Act, 1868, or to the endowment thereof:

(2.) To any school which, on the first of January one thousand eight hundred and sixty-nine, was maintained wholly or partly out of annual voluntary subscriptions, and had no endowment except school buildings or teachers' residences or playground, or gardens attached to such buildings or residences:

(3.) To any school which, at the commencement of this Act, is in receipt of an annual grant from the Government, or to the endowment thereof; unless such school is a grammar school, as defined by the Act of third and fourth Victoria, chapter seventy-seven, or a school a department of which only is in receipt of such grant:

(4.) To any school (unless it is otherwise subject to this Act) which is maintained out of any endowment the income of which may, in the discretion of the governing body thereof, be wholly applied to other than educational purposes, or to such endowment:

(5.) To any school (unless it is otherwise subject to this Act) which receives assistance out of any endowment the income of which may, in the discretion of the governing body of such endowment, be applied to some other school:

(6.) To any endowment applicable and applied solely for promoting the education of the ministers of any church or religious denomination, or for teaching any particular profession, or to any school (unless it is otherwise subject to this Act) which receives assistance out of such endowment:

(7.) To any school which on the first of January one thousand eight hundred and sixty-nine was used solely for the education of choristers, or to the endowment of any such school if applicable solely for such education.

Reorganization of Endowed Schools.

Schemes for application of educational endowments.

9. The Commissioners (appointed as in this Act mentioned), by schemes made during the period, in the manner and subject to the provisions in this Act mentioned, shall have power, in such manner as may render any educational endowment most conducive to the advancement of the education of boys and girls, or either of them, to alter, and add to any existing, and to make new trusts directions and provisions in lieu of any existing, trusts directions and provisions which affect such endowment, and the education promoted thereby, including the consolidation of two or more such endowments.

Schemes as to governing bodies.

10. The Commissioners (by any scheme relating to an educational endowment) made during the period, in the manner, and subject to the provisions in this Act mentioned, shall have power to alter the constitution, rights, and powers of any governing body of an educational endowment, and to incorporate any such governing body, and to establish a new governing body, corporate or unincorporate, with such powers as they think fit, and to remove a governing body, and in the case of any corporation (whether a governing body or not) incorporated solely for the purpose of any endowment dealt with by such scheme, to dissolve such corporation.

Educational interests of persons entitled to privileges.

11. It shall be the duty of the commissioners in every scheme which abolishes or modifies any privileges or educational advantages to which a particular class of persons are entitled, and that whether as inhabitants of a particular area or otherwise, to have due regard to the educational interests of such class of persons.

Schemes to extend benefit to girls.

12. In framing schemes under this Act, provision shall be made so far as conveniently may be for extending to girls the benefits of endowments.

Saving of interest of foundationer, master, governing body, &c.

13. It shall be the duty of the Commissioners to provide in any scheme for saving, or making due compensation for the following vested interests; namely,

(1.) The interest of any boy or girl who was at the time of the passing of this Act on the foundation of any endowed school:

(2.) The tenure by any person of any exhibition dealt with by any such scheme which was held by him at the time of the passing of this Act:

(3.) Such interest as any teacher or officer in any endowed school appointed to his office before the passing of the Endowed Schools Act, 1868, may have:

(4.) Such interest as any person may have in any pension or compensation allowance to which he was entitled at the passing of the Endowed Schools Act, 1868:

(5.) Such interest as any member of the governing body of any educational endowment appointed to his office before the passing of the Endowed Schools Act, 1868, may have in any emolument payable to him as such, or in any right of patronage which has a marketable value, and is capable of being sold by him :

It shall also be the duty of the Commissioners in any scheme relating to any endowed school to take into consideration the rights of patronage which may be at the passing of this Act exercised by any member of the governing body of such school in consequence of any gift or donation made by him.

Saving for modern endowments, cathedral schools, &c.

14. Nothing in this Act shall authorize the making of any scheme interfering—

(1.) with any endowment, or part of an endowment, (as the case may be,) originally given to charitable uses, or to such uses as are referred to in this Act, less than fifty years before the commencement of this Act, unless the governing body of such endowment assent to the scheme:

(2.) with the constitution of the governing body of any school wholly or partly maintained out of the endowment of any cathedral or collegiate church, or forming part of the foundation of any cathedral or collegiate church, unless the dean and chapter of such church assent to the scheme :

(3.) with the constitution of the governing body of any school which governing body is subject to the jurisdiction of the governing body of the people called Quakers, or of the congregation of United Brethren called Moravians, unless the governing body of such school assent to the scheme:

(4.) with any school or exhibition (other than one restricted to any schools, or school or district) forming part of the foundation of any college in Oxford or Cambridge, unless the college assent to the scheme.

Religious education in day schools.

15. In every scheme (except as hereafter mentioned) relating to any endowed school or educational endowment the commissioners shall provide that the parent or guardian of, or person liable to maintain or having the actual custody of any scholar attending such school as a day scholar, may claim, by notice in writing addressed to the principal teacher of such school, the exemption of such scholar from attending prayer or religious worship, or from any lesson or series of lessons on a religious subject, and that such scholar shall be exempted accordingly, and that a scholar shall not by reason of any exemption from attending prayer or religious worship, or from any lesson or series of lessons on a religious subject, be deprived of any advantage or emolument in such endowed school or out of any such endowment to which he would otherwise have been entitled, except such as may by the scheme be expressly made dependent on the scholar learning such lessons.

They shall further provide that if any teacher, in the course of other lessons at which any such scholar is in accordance with the ordinary rules of such school present, teaches persistently any particular religious doctrine disapproved of by the parent or guardian of, or person liable to maintain or having the actual custody of such scholar, the governing body shall, on complaint made in writing to them by such parent, guardian, or person, hear the complainant, and inquire into the circumstances, and, if the complaint is judged to be reasonable, make all proper provisions for remedying the matter complained of.

Religious education in boarding schools.

16. In every scheme (except as herein-after mentioned) relating to an endowed school the commissioners shall provide that if the parent or guardian of, or person liable to maintain or having the actual custody of any scholar who is about to attend such school, and who but for this section could only be admitted as a boarder, desires the exemption of such scholar from attending prayer or religious worship, or from any lesson or series of lessons on a religious subject, but the persons in charge of the boarding houses of such school are not willing to allow such exemption, then it shall be the duty of the governing body of such school to make proper provisions for enabling the scholar to attend the school and have such exemption as a day scholar, without being deprived of any advantage or emolument to which he would otherwise have been entitled, except such as may by the scheme be expressly made dependent on the scholar learning such lessons. And a like provision shall be made for a complaint by such parent, guardian, or person as in the case of a day school.

Governing body not to be disqualified on ground of religious opinions.

17. In every scheme (except as herein-after mentioned) relating to any educational endowment the commissioners shall provide that the religious opinions of any person, or his attendance or non-attendance at any particular form of religious worship, shall not in any way affect his qualification for being one of the governing body of such endowment.

Masters not to be required to be in holy orders.

18. In every scheme (except as herein-after mentioned) relating to an endowed school the commissioners shall provide that a person shall not be disqualified for being a master in such school by reason only of his not being or not intending to be in holy orders.

Schools excepted from provisions as to religion.

19. A scheme relating to—

(1.) any school which is maintained out of the endowment of any cathedral or collegiate church, or forms part of the foundation of any cathedral or collegiate church; or

(2.) any educational endowment, the scholars educated by which are, in the opinion of the Commissioners (subject to appeal to Her Majesty in Council as mentioned in this Act) required by the express terms of the original instrument of foundation or of the statutes or regulations made by the founder or under his authority, in his lifetime or within fifty years after his death, (which terms have been observed down to the commencement of this Act,) to learn or to be instructed according to the doctrines or formularies of any particular church, sect, or denomination,

is excepted from the foregoing provisions respecting religious instruction, and attendance at religious worship (other than the provisions for the exemption of day scholars from attending prayer or religious worship, or lessons on a religious subject, when such exemption has been claimed on their behalf,) and respecting the qualification of the governing body and masters (unless the governing body assents to such scheme).

And a scheme relating to any such school or endowment shall not, without the consent of the governing body thereof, make any provision respecting the religious instruction or attendance at religious worship of the scholars, (except for securing such exemption as aforesaid,) or respecting the religious opinions of the governing body or masters.

Transfer of jurisdiction of visitors.

20. In every scheme the commissioners may, if they think fit, provide for the transfer to Her Majesty of all rights and powers reserved to, belonging to, claimed by, or capable of being exercised by any person, persons, or body corporate as visitor of the endowed school or educational endowment to which the scheme relates.

They shall also provide that such rights, and powers as aforesaid, if vested in Her Majesty at the commencement of this Act, or if transferred to Her Majesty by the scheme, shall be exercised only through and by the Charity Commissioners for England and Wales.

Abolition of jurisdiction of ordinary as to licensing masters.

21. In every scheme the commissioners shall provide for the abolition of all jurisdiction of the ordinary relating to the licensing of masters in any endowed school, or of any jurisdiction arising from such licensing.

Tenure of office of teachers.

22. In every scheme the commissioners shall provide for the dismissal at pleasure of every teacher and officer in the endowed

A.D. 1869.

school to which the scheme relates, including the principal teacher, with or without a power of appeal in such cases and under such circumstances as to the commissioners may seem expedient.

General provisions.

23. In any scheme the commissioners may insert all powers and provisions that may be thought expedient for carrying its objects into effect.

Apportionment of mixed endowments.

24. Where part of an endowment is an educational endowment within the meaning of this Act, and part of it is applicable or applied to other charitable uses, the scheme shall be in conformity with the following provisions (except so far as the governing body of such endowment assent to the scheme departing therefrom), that is to say:

(1.) The part of the endowment or annual income derived therefrom which is applicable to such other charitable uses shall not be diverted by the scheme from such uses;

(2.) The part of the endowment or annual income so applicable to such other charitable uses shall be deemed to be the amount which, in the opinion of the Commissioners, subject to appeal to Her Majesty in Council, is the average proportion which has during the three years before the passing of this Act been appropriated as regards capital or applied as regards income to such uses, or (if that amount differs from the amount which ought in accordance with the express directions of the instrument of foundation or the statutes or regulations of such endowment to have been so appropriated or applied) which ought to have been so appropriated or applied;

(3.) If the amount applicable to other charitable uses exceeds one half of the whole of the endowment, the governing body of such endowment existing at the date of the scheme shall, so far as regards its non-educational purposes, remain unaltered by the scheme;

(4.) Where the governing body remains so unaltered, that body shall pay or apply for educational purposes such amount as under the former provisions of this section is applicable to those purposes, or such less sum as may be fixed by the Commissioners, subject to appeal to Her Majesty in Council;

(5.) Where during the said three years any portion of the endowment as existing at the commencement of such three years, or the annual income of such portion, has been accumulated and not applied to any purpose, the Charity

Commissioners for England and Wales shall determine whether such portion or income is to be considered, for the purposes of this section, as having been appropriated or applied for educational purposes, or for other charitable uses. Subject to the foregoing provisions of this section, the Commissioners shall have power by any scheme to deal with such endowment, and with the governing body thereof, in the same manner in all respects as if the whole of it were an educational endowment.

New endowment mixed with old buildings, &c.

25. Where an endowment or part of an endowment originally given to charitable uses less than fiftyyears before the commencement of this Act has, by reason of having been spent on school buildings or teachers residences, or playground or gardens attached to such buildings or residences, become so mixed with an old endowment given more than fifty years before the passing of this Act, that in the opinion of the Commissioners (subject to appeal to Her Majesty in Council) it cannot conveniently be divided, then the whole endowment shall for the purposes of this Act be deemed to be an endowment originally given to charitable uses more than fifty years before the commencement of this Act.

Apportionment of old and new endowments.

26. Where part of an endowment has been originally given to charitable uses more than fifty years, and another part less than fifty years before the commencement of this Act, and the two have not become mixed, as mentioned in this Act, so that it cannot conveniently be divided, and the governing body do not assent to the scheme dealing with the modern part of the endowment, the scheme relating to the old part of the endowment shall, subject to appeal to Her Majesty in Council, apportion such parts, and may direct either that the endowment shall be divided and appropriated accordingly in manner provided in the scheme, or that the whole endowment shall be vested in the governing body of one of such parts; and that the portion which is to be applied by the governing body of the other part shall be a debt due to them from the other governing body, and shall be a first charge on the endowment after payment of any charges existing thereon at the date of the scheme.

Claims of cathedral schools against Ecclesiastical Commissioners.
29 & 30 Vict. c. 111. s. 18.

27. Where an educational endowment at the commencement of this Act forms or has formed part of the endowment of any cathedral or collegiate church, the Commissioners may submit to the Ecclesiastical Commissioners for England proposals for meeting out of the common fund of the Ecclesiastical Commissioners the claims of any school receiving assistance out of the endowment of any such church to have an increased provision made for it in respect of any estates of such church which may have been transferred to the Ecclesiastical Commissioners. And the Ecclesiastical Commissioners on assenting to any such proposal or any modification of it may make such provision out of their common fund by such means and in such manner as they think best, and a scheme under this Act may with their consent be made for carrying such proposal into effect.

Alteration of scheme.

28. In any scheme the commissioners may provide for the alteration from time to time of such portions of the scheme as they think expedient by the Charity Commissioners for England and Wales in the exercise of their ordinary jurisdiction, provided such alteration shall not be contrary to anything contained in this Act.

Apprenticeship fees, &c.

29. For the purposes of this Act endowments attached to any school for the payment of apprenticeship fees or for the advancement in life, or for the maintenance or clothing or otherwise for the benefit of children educated at such school shall be deemed to be educational endowments.

Provided that nothing shall be construed to prevent a scheme relating to any such endowment from providing, if the governing body so desire, for the continued application of such endowment to the same purposes.

Application to education of non-educational charities.

30. In the case of any endowment which is not an educational endowment as defined in this Act, but the income of which is applicable wholly or partially to any one or more of the following purposes; namely,—

Doles in money or kind;

Marriage portions;

Redemption of prisoners and captives;

Relief of poor prisoners for debt, loans, apprenticeship fees, and advancement in life; or

Any purposes which have failed altogether or have become insignificant in comparison with the magnitude of the endowment, if originally given to charitable uses in or before the year of our Lord one thousand eight hundred;

it shall be lawful for the Commissioners, with the consent of the governing body to declare that it is desirable to apply for the advancement of education the whole or any part of such endowment, and thereupon the same shall for the purposes of this Act be deemed to be an educational endowment:

Provided that—

(1.) In any scheme relating to such endowment due regard shall be had to the educational interests of the class of persons now benefited thereby.

(2.) No open space at the commencement of this Act enjoyed or frequented by the public shall be enclosed in any other manner than it might have been if this Act had not passed.

Procedure for making Schemes.

Commissioners for purposes of Act.

31. For the purposes of this Act it shall be lawful for Her Majesty from time to time to appoint commissioners (in this Act referred to as "the commissioners"), and to appoint a secretary to such commissioners, and to remove any commissioners or secretary so appointed and appoint others, but the number of such commissioners shall not exceed three at any one time.

The Commissioners of Her Majesty's Treasury may assign to the commissioners and secretary such salaries, and allow them to employ such assistant commissioners, officers, and clerks, as the Commissioners of Her Majesty's Treasury may think proper.

The commissioners and secretary so appointed shall not hold office after the expiration of the time limited for the exercise of their powers.

Preparation of draft scheme.

32. The commissioners, after such examination and public inquiry as they think necessary, may prepare drafts of schemes for the purposes of this Act, subject to the following conditions; namely,

(1.) Where the gross average annual income of an endowment or of the aggregate educational endowments vested in the governing body of an endowed school during the three years next before the first of January one thousand eight hundred and sixty-nine,—

(a) exceeded ten thousand pounds a year, then before the expiration of twelve months, and where it—

(b) exceeded two thousand pounds a year, or if it is wholly an educational endowment, exceeded one thousand pounds a year, before the expiration of six months,

after the commencement of this Act, any governing body of any such endowment may, if they give to the commissioners such notice as in this section mentioned, prepare and submit to the commissioners in writing a scheme relating to such endowment, and the commissioners shall consider such scheme before they themselves prepare any draft of a scheme relating to the same endowment; and any scheme so prepared by the governing body, and submitted to the commissioners, shall, if approved by them, be adopted and proceeded with by them in the same manner as if it were a draft scheme originally prepared by themselves:

A.D. 1869.

(2.) The notice to be given by a governing body to the commissioners is a notice of their intention to prepare and submit to the commissioners a draft of a scheme, which notice shall be in writing, and shall be given to the commissioners within two months after the commencement of this Act:

(3.) The certificate of the Charity Commissioners for England and Wales shall be conclusive evidence for the purposes of this section of the income of an endowment or aggregate endowments of an endowed school.

Printing and publication of draft scheme.

33. When the commissioners have prepared the draft of a scheme they shall cause it to be printed, and printed copies of it to be sent to the governing body or governing bodies of the endowment or endowments to which it relates, and to the principal teacher of any endowed school to which it relates, and shall also cause the draft, or a proper abstract of it, to be published and circulated in such manner as they think sufficient for giving information to all persons interested.

Objections and suggestions respecting scheme and alternative scheme.

34. During three months after the first publication of the draft of a scheme the commissioners shall receive any objections or suggestions made to them in writing respecting such scheme, and shall receive any alternative scheme submitted to them by the governing body of any endowment to which the scheme of the commissioners relates.

Inquiry into scheme.

35. At any time after the expiration of the three months the commissioners, or any one of them, if they think fit, may hold an inquiry or they may refer the draft of the scheme and the alternative scheme, if any, to an assistant commissioner, and direct him to hold an inquiry concerning the subject matter of such scheme or schemes.

Framing of scheme.

36. As soon as may be after the expiration of the said three months, or the holding of such inquiry by the commissioners or one of them, or the receipt by the commissioners of the report of the assistant commissioner, on the inquiry held by him (as the case may be), the commissioners shall proceed to consider any objections or suggestions made to them in writing respecting the draft scheme, and to consider the alternative scheme (if any), and the report (if any), and thereupon they shall, if they think fit, frame a scheme in such form as they think expedient, and submit it for the approval of the Committee of Council on Education: Provided that where a scheme has been prepared and submitted in pursuance of this Act to the commissioners before the commissioners have prepared the draft of a scheme, the commissioners shall, if requested by the governing body which submitted it, submit such scheme with their own to the Committee of Council on Education.

Approval of Committee of Council on Education.

37. The Committee of Council on Education shall consider all schemes so submitted to them and may, if they think fit, approve any scheme so submitted, and shall cause the scheme so approved to be published and circulated in such manner as they think sufficient for giving information to all persons interested.

If the committee do not approve a scheme submitted to them the commissioners may frame and submit another scheme in the same manner as if no scheme had been previously framed and submitted; provided that where the Committee of Council on Education have not approved any scheme relating to an endowment, the governing body of which may under this Act prepare and submit a draft of a scheme before the commissioners prepare a draft of a scheme, such governing body may, within three months after notice of such non-approval (if within one month thereafter they give written notice of their intention to the commissioners), submit to the commissioners an amended scheme; and the commissioners shall consider the same before they frame and submit another scheme relating to the same endowment, and such amended scheme of the governing body, if approved by the commissioners, shall be adopted and proceeded with by them as if it were a scheme originally framed by themselves.

Consent of colleges or hall.

38. Where a scheme abolishes any restriction which makes any exhibition tenable only at a particular college or hall in any university, and the exhibition is payable out of property held by such college, or by the university in trust for such college or hall, (otherwise than as governing body of a school, or as a bare trustee,) the scheme shall not be approved if not less than two thirds of the governing body of such college or hall dissent therefrom in writing; but in every such case the Committee of Council shall make a special report to Parliament setting out the proposed scheme, and stating the dissent, and the reasons, if any, assigned for it.

Appeal to Queen in Council.

39. If the governing body of any endowment to which a scheme relates, or any person or body corporate directly affected by such scheme, feels aggrieved by the scheme, on the ground—

(1.) Of any decision of the commissioners in a matter in which an appeal to Her Majesty in Council is given by this Act; or

(2.) Of the scheme not saving or making due compensation for his or their vested interest as required by this Act;

A.D. 1869.

(3.) Of the scheme being one which is not within the scope of or made in conformity with this Act; or

(4.) (If the governing body are the petitioners,) of a scheme not having due regard to any educational interests, to which regard is required by this Act to be had, on the abolition or modification of any privileges or educational advantages to which a particular class of persons are entitled;

such governing body, person, or body corporate may within two months after the publication of the scheme when approved petition Her Majesty in Council stating the grounds of the petition, and praying Her Majesty to withhold her approval from the whole or any part of the scheme.

Her Majesty, by Order in Council, may refer any such petition for the consideration and advice of five members at the least of Her Privy Council named in the order, of whom two (not including the Lord President) shall be members of the Judicial Committee, and such five members may, if they think fit, admit counsel to be heard in support of and against the petition.

Any petition not proceeded with in accordance with the regulations made with respect to petitions presented to the Judicial Committee of the Privy Council shall be deemed to be withdrawn.

It shall be lawful for Her Majesty by Order in Council to direct that the scheme petitioned against be laid before Parliament, or to remit it to the commissioners with such declaration as the nature of the case may require.

Proceedings where scheme is remitted.

40. Where a scheme is remitted with a declaration the commissioners may either proceed to prepare another scheme in the matter in the same manner as if no scheme had been previously prepared, or may submit for the approval of the Committee of Council on Education such amendments in the scheme as will bring it into conformity with the declaration.

The Committee may, if they think fit, approve the scheme with such amendments, and shall publish and circulate the same in the same manner and subject to the same right of petition to Her Majesty in Council as is before directed in the case of the approval of a scheme, and so on from time to time as often as occasion may require.

Schemes, &c. to be laid before Parliament.

41. After the time has expired for a petition to Her Majesty in Council against any scheme, or after Her Majesty in Council has directed a scheme to be laid before Parliament, the scheme shall be forthwith laid before both Houses of Parliament, if Parliament be sitting, or if not, then within three weeks after the beginning of the next ensuing session of Parliament, and, after such scheme has lain for forty days before Parliament, then unless within such forty days an address has been presented by one or other of the said Houses praying Her Majesty to withhold Her consent from such scheme or any part thereof, it shall be lawful for Her Majesty by Order in Council to declare Her approbation of such scheme or any part thereof to which such address does not relate.

Exception as to schemes for endowments under 100*l*.

42. Where a scheme relates to an endowment which during the seven years preceding the commencement of this Act has had an average annual gross income of not more than one hundred pounds, no petition shall be presented to Her Majesty in Council with reference to such scheme.

The certificate of the Charity Commissioners for England and Wales shall be conclusive evidence for the purposes of this section of the income of an endowment.

New scheme on non-approval.

43. If any scheme or any part thereof is not approved by Her Majesty, then the commissioners may thereupon proceed to prepare another scheme in the matter, and so on from time to time as often as occasion may require.

Amendment of schemes.

44. Schemes may be from time to time framed and approved for amending any scheme approved under this Act, and all the provisions of this Act relative to an original scheme shall apply also to an amending scheme, mutatis mutandis.

Scheme to take effect.

45. A scheme shall not of itself have any operation, but the same, when and as approved by Her Majesty in Council, shall from the date specified in the scheme, or, if no date is specified, from the date of the Order in Council, have full operation and effect in the same manner as if it had been enacted in this Act.

Effect of scheme.

46. Upon a scheme coming into operation, every Act of Parliament, letters patent, statute, deed, instrument, trust, or direction relating to the subject matter of the scheme, and expressed by such scheme to be repealed and abrogated, shall, by virtue of the scheme and of this Act, be repealed and abrogated from the date in that behalf specified, or if no date is specified, from the date of the scheme coming into operation, and all property purporting to be transferred by such scheme shall, without any other conveyance or act in the law (so far as may be), vest in the transferees, and so far as it cannot be so vested shall be held in trust for the transferees.

Evidence of scheme.

47. The Order in Council approving a scheme shall be conclusive evidence that such scheme was within the scope of and made in conformity with this Act, and the validity of such scheme and order shall not be questioned in any legal proceedings whatever.

Quorum of commissioners.

48. A scheme of the commissioners shall not be submitted to the Committee of Council on Education unless two at least of the commissioners have signified in writing their approval of such scheme, but in all other respects one commissioner may act under this Act.

Power of commissioners, &c. as to procuring evidence. 18 & 19 Vict. c.124. ss.6–9.

49. Sections six, seven, eight, and nine of "The Charitable Trust Act, 1855," (relating to evidence, and the attendance and examination of witnesses,) shall extend to the commissioners and assistant commissioners under this Act, as if they were the commissioners and inspectors mentioned in those sections.

Inquiry by public sittings by commissioners, &c.

50. Where any commissioner or assistant commissioner holds a local inquiry for the purpose of a scheme under this Act, whether before or after the first publication of a draft scheme, he shall for that purpose hold a sitting or sittings in some convenient place in the neighbourhood of the place where the endowment is situate or administered, and thereat take and receive any evidence and information offered, and hear and inquire into any objections or suggestions made or to be made during the sitting or sittings respecting the scheme or the endowment or school, with power from time to time to adjourn any sitting.

Notice shall be published, in such manner as the commissioners direct, of every such sitting (except an adjourned sitting), fourteen days at least before the holding thereof.

Report of assistant commissioner.

51. The assistant commissioner who holds a local inquiry shall make a report in writing to the commissioners setting forth the result of the inquiry, and where a draft scheme, with or without an alternative scheme, has been referred to him whether in his opinion such draft or alternative scheme, as the case may be, should be approved with or without alteration, and if with any, then with what alteration, and his reasons for the same, and the objections and suggestions, if any, made on the inquiry, and his opinion thereon.

Miscellaneous.

Restriction of powers of Charity Commissioners, Court, &c.

52. During the continuance of the power of making schemes under this Act the Charity Commissioners for England and Wales, or any Court or Judge, shall not, with respect to any educational endowment which can be dealt with by a scheme under this Act, make any scheme or appoint any new trustees without the consent of the Committee of Council on Education.

During the same period the Charity Commissioners shall have the same power of acting upon application made to them by the commissioners under this Act with respect to any educational endowment as they would have if such application had been made by the governing body of such endowment.

Quorum of governing body for acting under this Act.

53. The majority of the members of a governing body who are present at a meeting of their body duly constituted shall have power to do anything that may be required to be done by a governing body for the purposes of this Act: Provided that this power shall be in addition to and not in restraint of any power which any meeting of such governing body may have independently of this Act.

Persons acquiring interest after passing of Act to be subject to scheme.

54. Every interest, right, privilege, or preference, or increased interest, right, privilege, or preference, which any person may acquire after the passing of this Act in or relative to any endowed school or educational endowment, or in the governing body thereof, or as member of any such governing body, or in or relative to any mastership, office, place, employment, pension, compensation, allowance, exhibition, or emolument in the gift of any such governing body, shall be subject to the provisions of any scheme made under this Act; and the governing body of an endowed school or educational endowment shall not, during the continuance of the power of making schemes under this Act, begin to build, rebuild, or enlarge any school buildings, or teachers residences or buildings connected therewith, except with the written consent of the commissioners, or under the directions of such a scheme, or except the express terms of any trust require them to do so; but this provision shall not prevent them from continuing any works begun before the passing of this Act, or from doing anything necessary for the repair or maintenance of buildings or residences existing at the passing of this Act.

Service of notices.

55. Notices and documents required to be served on or sent to a governing body for the purposes of this Act may be served or sent by being left at the office, if any, of such governing body, or being served on or sent to the chairman, secretary, clerk, or other officer of such governing body, or if there is no office, chairman, secretary, clerk, or officer, or none known to the commissioners (after reasonable inquiry), by being served on or sent to the principal teacher of the school (if any) under such governing body.

Service by post.

56. Notices and documents required to be served or sent for the purposes of this Act may be served or sent by post, and shall be deemed to have been served and received at the time when the letter containing the same would be delivered in the ordinary course of the post; and in proving such service or sending it shall

A.D. 1869.

be sufficient to prove that the letter containing the notices or documents was properly addressed and put into the post office.

Expenses of Act.

57. The salaries paid and expenses incurred in carrying into effect this Act shall be defrayed out of monies to be provided by Parliament.

Duration of powers of making schemes.

58. The powers of making and approving of a scheme under this Act shall not, unless continued by Parliament, be exercised after the thirty-first of December one thousand eight hundred and seventy-two, or such further day not later than the thirty-first of December one thousand eight hundred and seventy-three, as may be appointed by Her Majesty in Council.

Endowed Schools.

A

B I L L

[AS AMENDED BY THE SELECT
COMMITTEE AND ON RE-COMMITMENT]

To amend the Law relating to Endowed Schools and other Educational Endowments in England, and otherwise to provide for the Advancement of Education.

(*Prepared and brought in by*
Mr. W. E. Forster and Mr. Secretary Bruce.)

Ordered, by The House of Commons, *to be Printed,*
14 *June* 1869.

[Bill 163.]

Under 3 *oz.*

A
BILL
FOR
The further Amendment of the Law of Evidence.

A.D. 1869.

WHEREAS the discovery of truth in courts of justice has been signally promoted by the removal of restrictions on the admissibility of witnesses, and it is expedient to amend the law of evidence with the object of still further promoting such discovery:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

14 & 15 Vict. c. 99. s. 4. and part of 16 & 17 Vict. c. 85. s. 2. repealed.

1. The fourth section of chapter ninety-nine of the statutes passed in the fourteenth and fifteenth years of Her present Majesty, and so much of the second section of the "Evidence Amendment Act, 1853," as is contained in the words "or in any proceeding instituted in consequence of adultery," are hereby repealed.

Parties to be witnesses in actions for breach of promise of marriage.

2. The parties to any action for breach of promise of marriage shall be competent and compellable to give evidence in such action.

Parties and their husbands and wives to be witnesses in suits for adultery.

3. The parties to any proceeding instituted in consequence of adultery, and the husbands and wives of such parties, shall be competent and compellable to give evidence in such proceeding.

Persons objecting to take oath to make declaration, and be triable for perjury.

4. If any person called to give evidence in any court of justice, whether in a civil or criminal proceeding, shall object to take an oath, the court shall cause him to make the following promise and declaration:

'I solemnly promise and declare that the evidence given by me 'to the court shall be the truth, the whole truth, and nothing but 'the truth.'

And any person who, having made such promise and declaration, shall wilfully and corruptly give false evidence, shall be liable to be indicted, tried, and convicted for perjury as if he had taken an oath.

Short title.

5. This Act may be cited for all purposes as the "Evidence Further Amendment Act, 1869."

Act not to extend to Scotland.

6. This Act shall not extend to Scotland.

Evidence Amendment.

A

B I L L

For the further Amendment of the Law of Evidence.

(*Prepared and brought in by*
Mr. Denman, Mr. Locke King, and Mr. Locke.)

Ordered, by The House of Commons, *to be Printed*,
26 *February* 1869.

[Bill 25.]

Under 1 *oz.*

A
BILL
FOR

Raising a sum by Exchequer Bonds for the service of the year ending on the thirty-first day of March one thousand eight hundred and seventy.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards raising the necessary supplies which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to give and grant unto Your Majesty the sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Treasury may raise 2,300,000*l*. by Exchequer bonds.

1. Towards making good the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and seventy, it shall be lawful for the Commissioners of Her Majesty's Treasury at any time or times, but not later than the thirty-first day of March one thousand eight hundred and seventy, to cause any number of Exchequer Bonds to be made out at the Bank of England for any sum or sums of money not exceeding in the whole the sum of two millions three hundred thousand pounds, and such bonds shall bear such interest as shall be determined by the said Commissioners, not exceeding four pounds per centum per annum, and shall be paid off at par at the expiration of any period or periods not exceeding five years from the date of such bonds.

Interest on bonds, and repayment of principal money.

2. The interest on such bonds shall be paid half-yearly on such days as shall be appointed by the said Commissioners, and shall be charged upon and issued out of the Consolidated Fund of the United

Kingdom, or out of the growing produce thereof; and the principal monies secured by such bonds shall be repaid out of such money as shall be provided by Parliament in that behalf.

Treasury may cause Exchequer bonds to be prepared and issued according to provisions of 29 & 30 Vict. c. 25.

3. The Commissioners of Her Majesty's Treasury may from time to time, by warrant under their hands, cause or direct the Exchequer bonds to be issued under the authority of this Act to be prepared for such principal sums, not less in any case than one hundred pounds, together with coupons for the interest becoming due from time to time thereon, in such form and under such regulations as the said Commissioners may think most safe and convenient, and according to the provisions, so far as they relate to Exchequer bonds, of an Act of the twenty-ninth year of Her Majesty, chapter twenty-five, intituled "An Act to consolidate "and amend the several laws regulating the preparation, issue, and "payment of Exchequer bills and bonds."

Persons forging Exchequer bonds, &c. guilty of felony.

4. If any person shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any Exchequer bond issued under this Act, or any coupon for interest accruing thereon, such person shall be guilty of felony, and upon being lawfully convicted thereof shall suffer accordingly.

Money raised to be paid to the Consolidated Fund.

5. All such sums of money as shall be raised by Exchequer bonds to be made out in pursuance of this Act shall be paid to the account of Her Majesty's Exchequer at the Bank of England, and shall be carried to and form part of the Consolidated Fund of the United Kingdom.

Bank of England may advance 2,300,000*l.* on the credit of bonds, and National Debt Commissioners may purchase bonds with savings banks money.

6. The Governor and Company of the Bank of England may advance or lend to Her Majesty, upon the credit of the Exchequer bonds to be made out in pursuance of this Act, any sum or sums of money not exceeding in the whole the sum of two million three hundred thousand pounds (anything in any Act to the contrary notwithstanding); and the Commissioners for the reduction of the National Debt may invest, in the purchase of Exchequer bonds issued under the authority of this Act, any money in their hands on account of savings banks, or Post Office savings banks.

Exchequer Bonds (£2,300,000).

A

BILL

For raising a sum by Exchequer Bonds for the service of the year ending on the thirty-first day of March one thousand eight hundred and seventy.

(*Prepared and brought in by*
Mr. Dodson, Mr. Chancellor of the Exchequer,
and Mr. Ayrton.)

Ordered, by The House of Commons, *to be Printed,*
8 *June* 1869.

[Bill 152.]

Under 1 *oz.*

A

B I L L

TO

Continue various expiring Laws.

A.D. 1869.

WHEREAS the several Acts mentioned in the first column of the schedule to this Act are wholly, or as to certain provisions thereof, limited to expire at the times specified in respect of such Acts in the fourth column of the said schedule:

And whereas it is expedient to continue such Acts, and the Acts amending the same, in so far as they are temporary in their duration, for the times mentioned in respect of such Acts respectively in the fifth column of the said schedule:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the "Expiring Laws Continuance Act, 1869."

Continuance of Acts in schedule.

2. The Acts mentioned in columns one and two of the said schedule, and the Acts, if any, amending the same, shall, in so far as such Acts or any provisions thereof are temporary in their duration, be continued until the times respectively specified in respect of such Acts or provisions in the fifth column of the said schedule.

Not to revive provisions in certain Acts, &c.

3. Nothing in this Act shall revive any provisions of the Acts mentioned in the said schedule which are not in force at the time of the passing of this Act.

SCHEDULE.

1. Original Acts.	2. Amending Acts.	3. How far temporary.	4. Time of Expiration of temporary Provisions.	5. Continued until
(1) 5 & 6 Will. 4. c. 27. Linen, Hempen, Cotton, and other Manufactures (Ireland).	3 & 4 Vict. c. 91. 5 & 6 Vict. c. 68. 7 & 8 Vict. c. 47. 30 & 31 Vict. c. 60.	Whole Act -	13th August 1869 - (27 & 28 Vict. c. 84.)	13th August 1870, and end of then next session.
(2) 2 & 3 Vict. c. 74. Societies, unlawful (Ireland). (Formerly renewed as Oaths, unlawful).	11 & 12 Vict. c. 89.	Whole Act -	7th July 1869, and end of then next session. (31 & 32 Vict. c. 111.)	7th July 1870, and end of then next session.
(3) 3 & 4 Vict. c. 89. Poor Rates, Stock in Trade Exemption.	- - -	Whole Act -	1st October 1869, and end of then next session. (31 & 32 Vict. c. 111.)	1st October 1870, and end of then next session.
(4) 4 & 5 Vict. c. 30. Survey of Great Britain.	19 & 20 Vict. c. 61.	Whole Act -	31st of December 1869, and end of then next session. (30 & 31 Vict. c. 143.)	31st of December 1870, and end of then next session.
(5) 5 & 6 Vict. c. 123. Lunatic Asylums (Ireland).	- - -	Whole Act -	1st August 1869, and end of then next session. (31 & 32 Vict. c. 111.)	1st August 1870, and end of then next session.
(6) 10 & 11 Vict. c. 32. Landed Property Improvement (Ireland).	13 & 14 Vict. c. 31. 29 & 30 Vict. c. 40.	As to powers of commissioners.	1st January 1869, and end of then next session. (31 & 32 Vict. c. 111.)	1st January 1870, and end of then next session.
(7) 10 & 11 Vict. c. 90. Poor Laws (Ireland).	14 & 15 Vict. c. 68.	As to appointment of commissioners.	23d July 1869, and end of then next session. (31 & 32 Vict. c. 111.)	23d July 1870, and end of then next session.
(8) 10 & 11 Vict. c. 98. Ecclesiastical Jurisdiction.	- - -	As to provisions continued by 21 & 22 Vict. c. 50.	1st of August 1869, and end of then next session. (31 & 32 Vict. c. 111.)	1st August 1870, and end of then next session.

1. Original Acts.	2. Amending Acts.	3. How far temporary.	4. Time of Expiration of temporary Provisions.	5. Continued until
(9) 11 & 12 Vict. c. 32. County Cess (Ireland).	20 & 21 Vict. c. 7.	Whole Act -	1st August 1869, and end of then next session. (31 & 32 Vict. c. 111.)	1st August 1870, and end of then next session.
(10) 14 & 15 Vict. c. 104. Episcopal and Capitular Estates Management.	17 & 18 Vict. c. 116. 22 & 23 Vict. c. 46. 23 & 24 Vict. c. 124.	Whole Act -	1st January 1869, and end of then next session. (31 & 32 Vict. c. 111.)	1st January 1870, and end of then next session.
(11) 17 & 18 Vict. c. 102. Corrupt Practices Prevention.	21 & 22 Vict. c. 87. 26 & 27 Vict. c. 29.	Whole Act -	8th June 1869, and end of then next session. (31 & 32 Vict. c. 111.)	8th June 1870, and end of then next session.
(12) 19 & 20 Vict. c. 36. Preservation of the Peace (Ireland).	20 & 21 Vict. c. 7. 28 & 29 Vict. c. 118.	Whole Act -	1st July 1869, and end of then next session. (31 & 32 Vict. c. 111.)	1st July 1870, and end of then next session.
(13) 24 & 25 Vict. c. 109. Salmon Fishery (England) Act.	- - -	As to appointment of inspectors, s. 31.	1st October 1869, and end of then next session. (31 & 32 Vict. c. 111.)	1st October 1870, and end of then next session.
(14) 25 & 26 Vict. c. 97. Salmon Fisheries (Scotland).	26 & 27 Vict. c. 50. 27 & 28 Vict. c. 118.	As to the powers of commissioners, &c.	1st January 1869, and end of then next session. (31 & 32 Vict. c. 111.)	1st January 1870, and end of then next session.
(15) 26 & 27 Vict. c. 105. Promissory Notes.	- - -	Whole Act -	28th July 1869, and end of then next session. (31 & 32 Vict. c. 111.)	28th July 1870, and end of then next session.
(16) 27 & 28 Vict. c. 20. Promissory Notes and Bills of Exchange (Ireland).	- - -	Whole Act -	13th May 1869, and end of then next session. (31 & 32 Vict. c. 111.)	13th May 1870, and end of then next session.
(17) 27 & 28 Vict. c. 9. Malt for Animals.	- - -	Whole Act -	28th April 1869, and end of then next session. (27 & 28 Vict. c. 9.)	28th April 1870, and end of then next session.
(18) 27 & 28 Vict. c. 92. Public Schools.	- - -	Whole Act -	1st August 1869, and end of then next session. (31 & 32 Vict. c. 111.)	1st August 1870, and end of then next session.

1. Original Acts.	2. Amending Acts.	3. How far temporary.	4. Time of Expiration of temporary Provisions.	5. Continued until
(19) 28 & 29 Vict. c. 46. Militia Ballots Suspension.	- - -	Whole Act -	1st October 1869, and end of then next Session. (31 & 32 Vict. c. 111.)	1st October 1870, and end of then next session.
(20) 28 & 29 Vict. c. 66. Charging of Malt Duty by Weight.	- - -	Whole Act -	29th June 1869, and end of then next session. (28 & 29 Vict. c. 66.)	29th June 1870, and end of then next session.
(21) 28 & 29 Vict. c. 83. Locomotives on Roads.	- - -	Whole Act -	1st September 1869, and end of then next session. (31 & 32 Vict. c. 111.)	1st September 1870, and end of then next session.
(22) 29 & 30 Vict. c. 52. Prosecution Expenses.	- - -	Whole Act -	23d July 1869, and end of then next session. (29 & 30 Vict. c. 52.)	23d July 1870, and end of then next session.
(23) 29 & 30 Vict. c. 121. (Extradition Treaties Act Amendment).	- - -	Whole Act -	1st September 1869 - (31 & 32 Vict. c. 111.)	1st September 1870, and end of then next session.
(24) 30 & 31 Vict. c. 141. Master and Servant.	- - -	Whole Act -	20th August 1869, and end of then next session. (31 & 32 Vict. c. 111.)	20th August 1870, and end of then next session.
(25) 31 & 32 Vict. c. 32. Endowed Schools.	- - -	Whole Act -	1st of August 1869, and end of then next session. (31 & 32 Vict. c. 32.)	1st of August 1870, and end of then next session.

Expiring Laws Continuance.

A

BILL

To continue various expiring Laws.

(*Prepared and brought in by*
Mr. Ayrton and Mr. Secretary Bruce.)

Ordered, by The House of Commons, *to be printed,*
29 *July* 1869.

[Bill 245.]

Under 1 *oz.*

A
BILL
TO

Enable Local Authorities to collect Fines and Fees by means of Stamps.

A.D. 1869.

WHEREAS it is expedient to authorize the collection of certain fees and fines hereafter mentioned by means of stamps:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Local Stamp Act, 1869."

Application of Act.

2. This Act shall not apply to Scotland or Ireland.

Interpretation.

3. For the purposes of this Act "Local Authority" shall mean in any county, parts, liberty, or division of a county having a separate commission of the peace, the justices in quarter sessions assembled; in any borough subject to the jurisdiction of a council or other governing body, the council or other governing body for the borough.

Power to collect fees and penalties by stamps.

4. Whenever all the clerks of special and petty sessions and all the clerks of the justices of the peace within the jurisdiction of any local authority are paid in the whole or partly by salaries, by virtue of any order made under the Act of the session of the fourteenth and fifteenth years of the reign of Her present Majesty, chapter fifty-five, it shall be lawful for any such local authority, if they think fit, notice having been given at a previous meeting of the local authority of such purpose, to order that, from and after a day to be named in such order, all or any of the fees, fines, and penalties payable to the treasurer of the county, parts, liberty, division, or borough respectively within the jurisdiction of such local authority shall be received by means of stamps denoting the sums payable, and not in money, and to cause such dies to be made as may be required for the purpose of carrying into effect this Act; subject nevertheless to

A.D. 1869.

such rules as may from time to time be made and published by such local authority, with the assent, so far as relates to the pattern, colour, and form of stamps and dies, of the Commissioners of Inland Revenue; and it shall be lawful for any such local authority from time to time, with the like notice, to revoke, vary, or renew any such order.

Unstamped document not to be valid.

5. Any document to or on which a stamp or stamps ought to be affixed or impressed under this Act, or under any rule for the time being in force under this Act within the jurisdiction of any local authority, shall not be of any validity unless the proper stamp or stamps have been affixed or impressed, or unless a certificate has been signed thereon by a justice of the peace acting in the matter to the effect that he has excused or postponed the affixing or impressment of the proper stamp or stamps, in which case the document shall be of the same validity as if the proper stamp or stamps had been duly affixed or impressed.

Authority to sell stamps.

6. The local authority may, by order under the hands of any two of their number, authorize any persons to sell or distribute stamps for the purpose of this Act upon such terms and subject to such conditions as such local authority may direct, and may from time to time revoke any authority so granted. If any person not authorized as aforesaid sells or distributes any such stamps as are authorized to be used for the purpose of this Act, he shall upon summary conviction be liable to a penalty not exceeding *five pounds.*

Expenses of Act.

7. All expenses which may be incurred by any local authority in or about the preparing or making of dies or stamps, or in or about the carrying into execution of any of the powers given them by this Act, shall be defrayed out of and be a charge upon the county or borough rate respectively of such local authority.

Penalties.

8. If any person is guilty of any of the following offences,—

(1.) Forges or counterfeits, or causes or procures to be forged or counterfeited, any stamp or die, or any part of any stamp or die, provided, made, or used in pursuance of this Act; or,

(2.) Forges or counterfeits, or causes or procures to be forged or counterfeited, the impression, or any part of the impression, of any such stamp or die as aforesaid upon any document; or,

(3.) With intent to defraud the local authority, stamps or marks, or causes or procures to be stamped or marked, any document with any such forged or counterfeited stamp or die; or, (4.) Sells or exposes for sale any document having thereupon the impression of any such forged or counterfeited stamp or die, or part of any such stamp or die, or any such forged or counterfeited impression or part of an impression, knowing the same to be forged or counterfeited; or,

(5.) Fraudulently cuts or gets off, or causes or procures to be cut or got off, the impression of any such stamp or die from any document, with intent to use the same for any other document; or,

(6.) Knowingly and without lawful excuse (the proof whereof lies on the person accused) has in his possession any false, forged, or counterfeited die, plate, or other instrument, or part of any such die, plate, or instrument, resembling or intended to resemble, either wholly or in part, any stamp or die which at any time whatever has been or may be provided, made, or used by or under the direction of the local authority for the purposes of this Act; or,

(7.) Knowingly and without lawful excuse (the proof whereof lies on the person accused) has in his possession any vellum, parchment, or paper having thereon the impression of any such false, forged, or counterfeit stamp or die, or having thereon any false, forged, or counterfeit stamp, mark, or impression resembling or representing, either wholly or in part, or intended or liable to pass or be mistaken for any such stamp or die;

Every person so offending, and every person knowingly and wilfully aiding and abetting any person in committing any such offence, and being thereof lawfully convicted, shall be judged guilty of felony, and shall be liable, at the discretion of the court, to penal servitude for any term not less than *five years*, or to be imprisoned for any term not exceeding *four years* nor less than *two years*.

Fines and Fees Collection.

A

B I L L

To enable Local Authorities to collect Fines and Fees by means of Stamps.

(*Prepared and brought in by*
Mr. Hunt, Mr. Sclater-Booth, and
Mr. Staveley Hill.)

Ordered, by The House of Commons, *to be Printed*,
10 *June* 1869.

[Bill 159.]

Under 1 *oz.*

A
B I L L

[AS AMENDED IN COMMITTEE]

TO

Enable Local Authorities to collect Fines and Fees by means of Stamps.

A.D. 1869.

WHEREAS it is expedient to authorize the collection of certain fees and fines hereafter mentioned by means of stamps:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Local Stamp Act, 1869."

Application of Act.

2. This Act shall not apply to Scotland or Ireland.

Interpretation.

3. For the purposes of this Act "Local Authority" shall mean in any county, parts, liberty, or division of a county having a separate commission of the peace, the justices in quarter sessions assembled; in any borough subject to the jurisdiction of a council or other governing body, the council or other governing body for the borough.

Power to collect fees and penalties by stamps.

4. Whenever all the clerks of special and petty sessions and all the clerks of the justices of the peace within the jurisdiction of any local authority are paid in the whole or partly by salaries, by virtue of any order made under the Act of the session of the fourteenth and fifteenth years of the reign of Her present Majesty, chapter fifty-five, it shall be lawful for any such local authority, if they think fit, notice having been given at a previous meeting of the local authority of such purpose, to order that, from and after a day to be named in such order, all or any of the fees, fines, and penalties payable to the treasurer of the county, parts, liberty, division, or borough respectively within the jurisdiction of such local authority, or to any person on account of such treasurer, shall be received by such treasurer or such person as aforesaid by means of stamps denoting the sums payable, and not in money, and to cause such dies to be made

A.D. 1869.

as may be required for the purpose of carrying into effect this Act; subject nevertheless to such rules as may from time to time be made and published by such local authority, with the approval of one of Her Majesty's Principal Secretaries of State, and with the assent, so far as relates to the pattern, colour, and form of stamps and dies, and the making and impressing of the same, of the Commissioners of Inland Revenue; and it shall be lawful for any such local authority from time to time, with the like notice, to revoke, vary, or renew any such order, the like approval and assent being first obtained for any such variation or renewal.

Unstamped document not to be valid.

5. Any document to or on which a stamp or stamps ought to be affixed or impressed under this Act, or under any rule for the time being in force under this Act within the jurisdiction of any local authority, shall not be of any validity unless the proper stamp or stamps has or have been affixed or impressed, or unless a certificate has been signed thereon by a justice of the peace acting in the matter to the effect that he has excused or postponed the affixing or impressment of the proper stamp or stamps, in which case the document shall be of the same validity as if the proper stamp or stamps had been duly affixed or impressed: Provided that if any such document is, through mistake or inadvertence, received, lodged, recorded, or used without being properly stamped, it shall be competent for the court or judge before whom the cause or proceeding depends to which such document relates to order that the same be stamped as in such order may be directed; and on every such document being stamped accordingly, the same, and every proceeding relative thereto, shall be as valid as if such document had been properly stamped in the first instance.

Authority to sell stamps.

6. The local authority may, by order under the hands of any two of their number, authorize any persons to sell or distribute stamps for the purpose of this Act upon such terms and subject to such conditions as such local authority may direct, and may from time to time revoke any authority so granted. If any person not authorized as aforesaid sells or distributes any such stamps as are authorized to be used for the purpose of this Act, he shall upon summary conviction be liable to a penalty not exceeding five pounds.

Expenses of Act.

7. All expenses which may be incurred by any local authority in or about the preparing or making of dies or stamps, or in or about the carrying into execution of any of the powers given them by this Act, shall be defrayed out of and be a charge upon the county or borough rate respectively of such local authority.

Penalties.

8. If any person is guilty of any of the following offences,—

(1.) Forges or counterfeits, or causes or procures to be forged or counterfeited, any stamp or die, or any part of any stamp or die, provided, made, or used in pursuance of this Act; or,

(2.) Forges or counterfeits, or causes or procures to be forged or counterfeited, the impression, or any part of the impression, of any such stamp or die as aforesaid upon any document; or,

(3.) With intent to defraud the local authority, stamps or marks, or causes or procures to be stamped or marked, any document with any such forged or counterfeited stamp or die;

(4.) Sells or exposes for sale any document having thereupon the impression of any such forged or counterfeited stamp or die, or part of any such stamp or die, or any such forged or counterfeited impression or part of an impression, knowing the same to be forged or counterfeited; or,

(5.) Fraudulently cuts or gets off, or causes or procures to be cut or got off, the impression of any such stamp or die from any document, with intent to use the same for any other document; or,

(6.) Knowingly and without lawful excuse (the proof whereof lies on the person accused) has in his possession any false, forged, or counterfeited die, plate, or other instrument, or part of any such die, plate, or instrument, resembling or intended to resemble, either wholly or in part, any stamp or die which at any time whatever has been or may be provided, made, or used by or under the direction of the local authority for the purposes of this Act; or,

(7.) Knowingly and without lawful excuse (the proof whereof lies on the person accused) has in his possession any vellum, parchment, or paper having thereon the impression of any such false, forged, or counterfeit stamp or die, or having thereon any false, forged, or counterfeit stamp, mark, or impression resembling or representing, either wholly or in part, or intended or liable to pass or be mistaken for any such stamp or die;

Every person so offending, and every person knowingly and wilfully aiding and abetting any person in committing any such offence, and being thereof lawfully convicted, shall be judged guilty of felony, and shall be liable, at the discretion of the court, to penal servitude for any term not less than five years, or to be imprisoned for any term not exceeding two years.

Fines and Fees Collection.

A

BILL

[AS AMENDED IN COMMITTEE]

To enable Local Authorities to collect Fines and Fees by means of Stamps.

(*Prepared and brought in by*
Mr. Hunt, Mr. Sclater-Booth, and
Mr. Staveley Hill.)

Ordered, by The House of Commons, *to be Printed*,
22 *June* 1869.

[Bill 171.]

Under 1 *oz.*

Fisheries (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Clause.
1. Short title.
2. Application of Act.
3. Commencement of Act.
4. Interpretation.

Appointment of Inspectors, &c.

5. Inspectors to execute Act.
6. Power to Lord Lieutenant to appoint one Inspector.
7. Inspectors of Irish Fisheries.
8. Transfer of powers, &c. to Inspectors.
9. Lord Lieutenant with consent of Treasury to fix salaries, &c. and appoint additional officers.

Byelaws.

10. Byelaws.

Recovery of Fishing Boats and Gear picked up at Sea.

11. Fishing boats and gear, &c. picked up at sea to be delivered at nearest coast-guard station.

Agreements between Owners of Vessels, &c. and Crews.

12. Inspectors to make regulations as to voluntary agreements.
13. Provisions as to agreements.

Oyster Fisheries.

Clause.
14. Power to make oyster beds.

Salmon Fisheries.

15. Power to Inspectors to alter close season for angling.

Miscellaneous.

16. Superannuation allowance to present Inspecting Commissioner of Fisheries.
17. Inspectors to aid Commissioners of Public Works in certain cases.
18. Application of penalties.
19. Incorporation of Acts.
SCHEDULE.

A

BILL

TO

Amend the laws relating to the Fisheries of Ireland.

A.D. 1869.

WHEREAS it is expedient to amend the laws relating to the fisheries of Ireland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes, as "Fisheries (Ireland) Act, 1869."

Application of Act.

2. This Act shall not apply to England or Scotland.

Commencement of Act.

3. This Act shall commence and have effect on the *first day of October one thousand eight hundred and sixty-nine.*

Interpretation.

4. In this Act,—

The term "Lord Lieutenant" means Lord Lieutenant of Ireland and the Lords Justices or other Chief Governors or Governor of Ireland for the time being.

Appointment of Inspectors, &c.

Inspectors to execute Act.

5. From and after the commencement of this Act the inspectors of fisheries for the time being acting in execution of The Salmon Fishery (Ireland) Act, 1869, and one other person to be appointed in manner by this Act provided shall be Inspectors for the execution of this Act.

Power to Lord Lieutenant to appoint one Inspector.

6. From and after the commencement of this Act it shall be lawful for the Lord Lieutenant to appoint a fit person to act together with the said inspectors of fisheries in the execution of this Act, and the person so appointed shall hold his office during the pleasure of the Lord Lieutenant; and in case of the death, resignation, incapacity, or removal from office of such person it shall be lawful for the Lord Lieutenant to appoint a fit person in his place.

Inspectors of Irish Fisheries.

7. The Inspectors acting in the execution of this Act shall be styled "the Inspectors of Irish Fisheries," and all and every the powers, authorities, and jurisdictions by this Act given may be exercised by the said Inspectors and any two of them.

Transfer of powers, &c., to commissioners.

8. From and after the commencement of this Act all powers, rights, privileges, authorities, jurisdictions vested in or exercised by and all duties imposed upon the said inspectors of fisheries under the said Salmon Fishery (Ireland) Act, 1869, and the Commissioners of Public Works in Ireland and the Inspecting Commissioner of fisheries, or any of them, by any Act relating to Oyster and White Sea fisheries in Ireland, shall be transferred to, vested in, and exercised and discharged by the Inspectors of Irish Fisheries acting in the execution of this Act during their continuance in office.

Lord Lieutenant with consent of Treasury to fix salaries, &c. and appoint additional officers.

9. *From and after the commencement of this Act, it shall be lawful for the Lord Lieutenant with the approval of the Commissioners of the Treasury to fix such salaries as he may think fit for the said Inspectors of Irish Fisheries acting in the execution of this Act, and also with the like approval to appoint such additional officers, clerks, and servants at such salaries as he may think proper and necessary, and from time to time to dismiss such officers, clerks, and servants, and appoint others in their place; such salaries to be paid out of moneys to be provided by Parliament for that purpose.*

Byelaws.

Byelaws.

10. The Inspectors of Irish Fisheries shall in addition to their other duties, as soon as they conveniently can, make local and other inquiry into the expediency and necessity of altering, amending, or repealing any definition of the boundaries of the mouth or estuary of any river, or any byelaws heretofore made, or of making new definitions of the boundaries of the mouths or estuaries of rivers, or new byelaws relating to fisheries in Ireland; and if on such inquiry they shall be satisfied of such expediency or necessity, it shall be lawful for them, subject to the approval of the Lord Lieutenant in Council, and an appeal to him in Council, to alter, amend, or repeal any such definition or any of such byelaws, and to make such new definitions or byelaws as they may deem expedient, and all the provisions relating to byelaws and to an appeal against the same contained in the Acts incorporated with this Act, shall apply to definitions and byelaws altered, amended, repealed, or made under the provisions of this Act.

Recovery of Fishing Boats and Gear picked up at Sea.

Fishing boats and gear, &c. picked up at sea to be delivered at nearest coast-guard station.

11. Any person who shall find or pick up at sea any fishing boat, rigging, gear, or other appurtenance of fishing boats, or any net, buoy, float, or fishing implement whatsoever, shall as soon as possible deliver up same at the nearest coast-guard station, and any person wilfully acting in contravention of this section shall be liable upon conviction thereof, before any Justice or Justices sitting in Petty Sessions, be liable to a penalty not exceeding *ten pounds.*

Agreements between Owners of Vessels, &c. and Crews.

Inspectors to make regulations as to voluntary agreements.

12. The Inspectors of Irish Fisheries may prepare, subject to the approval of the Lord Lieutenant, forms of agreements between owners of fishing vessels or boats and crews, as to the period and nature of service, and remuneration, whether such remuneration be based upon share of profit or otherwise; and copies of such forms shall be furnished by the Inspectors of Irish Fisheries to any person requiring the same.

Provisions as to agreements.

13. In case of any breach of any agreement duly made between the owner of any fishing vessel or boat and crew according to the terms prescribed in any form prepared in manner aforesaid it shall be lawful for any justice or justices sitting in petty sessions, on proof of any such breach as aforesaid, to award to the party aggrieved such compensation with costs as to him or them shall seem right.

Oyster Fisheries.

Power to make oyster beds. 8 & 9 Vict. c. 108. s. 17. and 13 & 14 Vict. c. 88. s. 41.

14. It shall be lawful for the owner of any several Fishery, or the owner of the soil and bed of any estuary, or the owner or occupier of any land bordering on the sea or any estuary, with the licence in writing of the Inspectors of Irish Fisheries, or for any person or persons, with the consent in writing of such owner or occupier, and with the licence of the said Inspectors and the approval of the Lord Lieutenant to form or plant any oyster bed or laying on the shore adjacent to such lands, and between high-water and low-water mark, and above or below the level of the lowest water mark of spring tides, or for any person or persons, without such consent as

A.D. 1869.

aforesaid, but with the licence of the said Inspectors, to form or plant any oyster bed below low-water mark, subject nevertheless to the approval of the Lord Lieutenant, and subject to the right of appeal to the Lord Lieutenant in Council, and all the provisions relating to the granting of licences, and to an appeal against the same, contained in the Act incorporated with this Act, shall apply to licences granted under the provisions of this Act: Provided always, that no such licence shall be granted within the limits of any several fishery without the consent in writing of the owner of such fishery; and provided also, that in case of any licence being granted to any occupier of any land bordering on the sea or any estuary as aforesaid, or to any person with his consent, such licence shall only continue and be in force during the continuance in occupation of the person who was in occupation at the time of the granting of the said licence; and in the case of any licence being granted to any person with the consent of any owner, such licence shall only continue and be in force for such period as shall be named in the consent of such owner.

Salmon Fisheries.

Power to Inspectors to alter close season for angling.

15. The Inspectors of Irish Fisheries shall, as regards the altering of the close season for angling with single rod and line in any river or district, or any part thereof, have all and the like powers and authorities which by this Act are transferred to and are vested in them in relation to the altering of the close season for nets and other engines for the capture of salmon: Provided always, that such close season shall not comprise fewer than ninety-two days.

Miscellaneous.

Superannuation allowance to present Inspecting Commissioner of fisheries.

16. *From and after the commencement of this Act there shall be paid to the person holding the office of Inspecting Commissioner of fisheries at the time of the passing of this Act during his life by way of superannuation allowance, an annuity equal to the salary to which he was then entitled, and the said annuity shall be paid out of such funds as Parliament shall from time to time provide for that purpose.*

Inspectors to aid Commissioners of Public Works in certain cases.

17. The Inspectors of Irish Fisheries shall, when so directed by the Lord Lieutenant, report for the information of the Commissioners of Public Works in Ireland in regard to the necessity for, and the advantage to be derived by the fisheries from any work which may be proposed to be carried out under the provisions of the Acts enumerated in the Schedule B. to this Act annexed.

Application of penalties.

18. One third of every sum of money levied as a fine, penalty, or forfeiture under the Acts relating to salmon fisheries in Ireland shall be paid to the person who shall be the means of bringing to justice any person committing any offence against any of the provisions of the said Acts, and the remainder of such sum shall be applied to the purposes of the said Acts for the district in which such offence shall have been committed.

Incorporation of Acts.

19. The Acts enumerated in the Schedule A. to this Act annexed shall be incorporated with this Act, and be read and construed together as one Act, except where the provisions thereof are altered by this Act or are repugnant thereto.

SCHEDULE A.

5 & 6 Victoria, chapter 106.
7 & 8 Victoria, chapter 108.
8 & 9 Victoria, chapter 108.
9 & 10 Victoria, chapter 114.
11 & 12 Victoria, chapter 92.
13 & 14 Victoria, chapter 88.
26 & 27 Victoria, chapter 114.
29 & 30 Victoria, chapter 88.
29 & 30 Victoria, chapter 97.

SCHEDULE B.

9 & 10 Victoria, chapter 3.
10 & 11 Victoria, chapter 75.
29 & 30 Victoria, chapter 45.

Fisheries (Ireland).

A

B I L L

To amend the Laws relating to the
Fisheries of Ireland.

(*Prepared and brought in by*
Mr. Chichester Fortescue and Mr. Attorney
General for Ireland.)

Ordered, by The House of Commons, *to be Printed,*
2 *July* 1869.

[Bill 190.]

Under 1 *oz.*

A

BILL

FOR

Providing the final sum necessary to be raised by loan towards carrying on the works now in course of construction for the protection of the Royal Arsenals and Dockyards and the Harbours of Dover and Portland, and for authorizing the abandonment of that portion of the works already sanctioned by Parliament which has not been yet commenced.

A.D. 1869.

Most Gracious Sovereign,

WHEREAS by divers Acts of Parliament and ultimately by an Act of the session of the thirtieth and thirty-first years of your Majesty's reign, chapter one hundred and forty-five, a sum of five million nine hundred and fifty thousand pounds has been appropriated to the construction of the fortifications and works in the schedule to the said Act mentioned, the total estimate of the expense of which is stated in the said schedule to amount to seven million four hundred and seventy thousand pounds:

And whereas, with certain exceptions, the said works are in an advanced state of construction, and, omitting such exceptions, are specified in the schedule hereto, and it is estimated that they can be completed to such extent as is now contemplated at a further cost of one million five hundred and ten thousand pounds; that is to say, for the total estimated sum of seven millions four hundred and sixty thousand pounds:

Now we, your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, having considered the premises, and being desirous to provide forthwith for the execution of the works specified in the schedule hereto, have cheerfully granted to your Majesty the further sum of *one million five hundred and ten thousand* pounds, to be paid out of the Consolidated Fund, towards defraying the expenses incurred or to be incurred for those purposes, and we have resolved that a sum not exceeding the said sum of *one million five hundred and ten thousand* pounds be raised by such terminable annuities as herein-after mentioned:

Now we do therefore most humbly beseech your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

The sum of 1,510,000*l.* to be issued out of the Consolidated Fund towards expenses after mentioned.

1. The Commissioners of Her Majesty's Treasury may from time to time issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, or the growing produce thereof, any sum or sums not exceeding in the whole the sum of *one million five hundred and ten thousand* pounds to be applied in manner herein-after mentioned to the purposes of this Act.

Repayment to Consolidated Fund.

2. To provide for the issues to be made out of the Consolidated Fund, or the growing produce thereof, as aforesaid, and to repay to the Consolidated Fund the monies so issued, there shall be raised a corresponding amount of terminable annuities, not exceeding the said sum of *one million five hundred and ten thousand* pounds; and such annuities shall be raised and dealt with in the same manner in which the sum of eight hundred thousand pounds is directed to be raised by like annuities by the said Act of the session of the thirtieth and thirty-first years of the reign of Her present Majesty, chapter one hundred and forty-five; and all the sections of the said Act, numbered respectively from three to twenty-two, both inclusive, except that the words "six hundred" in the eighteenth clause shall be read "fifteen hundred and ten", and the words "in the month of July in the year one thousand eight "hundred and sixty-eight" in the twentieth clause shall be read "on the thirty-first day of December one thousand eight hundred "and seventy," shall apply to the annuities to be raised under this Act, in the same manner as if such sections were herein repeated, and the sum of *one million five hundred and ten thousand* pounds were substituted therein for the sum of eight hundred thousand pounds.

Appropriation of the money so issued to the expenses of constructing fortifications.

3. No further steps shall be taken in the construction of the said excepted works without the authority of Parliament, and the said sum of *one million five hundred and ten thousand* pounds shall be applied by one of Her Majesty's Principal Secretaries of State, under the control of the Commissioners of the Treasury, in carrying out the works specified in the schedule hereto, and in purchasing any lands that may be required for the purposes of such works; and in the application of such monies, regard shall be had to the sums estimated as the cost of each work in the said schedule, and no greater sum shall be applied to the cost of any one of such works than the estimated sum, except under a joint certificate of the Commissioners of the Treasury and the said Secretary of State, certifying that the excess so expended in any one work is compensated by a deficiency of cost in some other work, and that the total sum to be expended under this Act in carrying out the completion of the said works will not exceed the said sum of *one million five hundred and ten thousand* pounds.

SCHEDULE.

Station.	District.	Name of Work.	Total Estimate of Work to be charged to Loan.	Expended to 30th June 1869.	Amount already voted.	Amount proposed, 1869.
			£	£	£	£
Portsmouth -	Spithead and Sea Defences: Outer Line -	Horse Sand Fort - -	424,694	398,437	408,000	*648,768*
		No Man's Land - -	462,500			
		Other Spithead Works -	169,574			
		Puckpool and St. Helen's Batteries.	141,799	79,890	77,000	*64,799*
	Inner Line -	Gilkicker Battery - -	61,395	54,581	45,000	*16,395*
		Southsea Castle - -	64,550	53,910	60,000	*4,550*
		Eastney Batteries - -				
		Lumps Battery - - -				
	Defences of Needles Passage.	Hurst Castle - - -	120,821	107,214	100,000	*20,821*
		Needles Battery - -	99,118	82,973	80,000	*19,118*
		Hatherwood - - -				
		Warden Point - -				
		Cliff End - - - -				
		Golden Hill - - -				
	Isle of Wight: Coast Defences	Sandown Bay Defences -	141,436	134,718	145,000	—
		Military Road, South-west Coast - - -				
	Land Defences: Outer Line -	Fort Purbrook and Out-works	586,659	541,226	530,000	*56,659*
		Fort Widley - - -				
		Fort Southwick - -				
		Fort Nelson - - -				
		Fort Wallington - -				
		Fort Fareham - - -				
	Inner Line -	Hilsea Lines - - -	315,744	297,413	313,000	*2,744*
		Fort Grange - - -				
		Fort Rowner - - -				
		Fort Brockhurst - - -				
		Stokes Bay Lines - -				
Plymouth -	Harbour Defences: Outer Line -	Staddon Point Battery - -	58,264	51,693	55,000	*3,264*
		Breakwater Battery - - -	167,062	120,437	145,000	*22,062*
		Picklecombe Battery - -	80,876	76,563	80,000	*876*
		Cawsand Bay - - -	12,914	12,914	13,000	—
	Inner Line -	Mount Edgcumbe Battery -	48,368	41,604	47,000	*1,368*
		Drake's Island Battery -				
		Western King Battery -				
		Eastern King Battery - -				
	Land Defences: Antony -	Fort Tregantle - - -	260,000	245,278	260,000	—
		Fort Scraesdon - -				
	Maker - -	Knatterbury - - -	14,626	14,626	15,000	—
		Whitesand Bay - - -				
	N.E. Division	North-eastern Defences -	530,828	498,437	467,000	*63,828*
	Staddon -	Staddon Fort - - -				
		Fort Stamford - -				
	Devonport -	Devonport Lines - -	9,819	9,819	10,000	—

Station.	District.	Name of Work.	Total Estimate of Work to be charged to Loan.	Expended to 30th June 1869.	Amount already voted.	Amount proposed, 1869.
			£	£	£	£
Pembroke -	Milford Haven: Sea Defences -	Stack Rock Fort - -	218,660	203,611	222,000	—
		South Hook Battery - -				
		Hubberstone Battery - -				
		Popton Battery - -				
	Land Defences	Fort Scoveston (North of Milford Haven).	46,462	42,441	50,000	—
		Works to Southward of Milford Haven.	12,660	5,988	30,000	—
Portland -	Portland - -	Verne Citadel and Batteries connected therewith.	138,196	122,335	122,000	*16,196*
		Nothe Fort - - -	365,442	170,035	220,000	*145,442*
		Breakwater Batteries - -				
Gravesend -	Thames - -	Coalhouse Fort - -	127,698	75,115	100,000	*27,698*
		Cliffe Fort - - -	105,727	39,440	90,000	*15,727*
		Shornmead - - -	90,576	32,600	80,000	*10,576*
		Slough Battery - -	22,983	22,376	23,000	—
Medway and Sheerness.	Sea Defences -	Isle of Grain - - -	244,963	213,449	210,000	*34,963*
		Garrison Point - -				
		Hoo Fort - - -	140,036	98,857	104,000	*36,036*
		Darnet Fort - - -				
	Works in front of Mile Town.	Works in front of Mile Town	18,906	18,586	30,000	—
Dover -	Dover - -	Castle Hill Fort - -	291,333	284,391	280,000	*11,333*
		Dover Castle - - -				
		Western Heights - -				
Cork -	Cork - -	Spike Island Defences -	15,546	6,294	9,000	*6,546*
		Carlisle Fort - - -	71,805	32,922	55,000	*16,805*
		Camden Fort - - -	70,927	37,908	50,000	*20,927*
			5,752,967	4,228,081	4,525,000	*1,267,501*
Providing and fixing iron shields - - - - -			340,000	2,912	150,000	*190,000*
Incidental expenses (works and experiments) - - -			190,000	162,362	160,000	*30,000*
Lands, including cost of surveys, surveyors charges, legal and other incidental expenses - - - - - -			1,102,033	1,096,571	1,115,000	—
Contingent fund to meet unforeseen expenses in closing loan - - - - £75,000			75,000	—	—	*22,499*
Less sums already sanctioned but not now required 52,501 22,499			—	—	—	—
		£	7,460,000	5,489,926	5,950,000	*1,510,000*

	£
Provided for by 23 & 24 Vict. c. 109. - - -	2,000,000
Provided for by 25 & 26 Vict. c. 78. - - -	1,200,000
Provided for by 26 & 27 Vict. c. 80. - - -	650,000
Provided for by 27 & 28 Vict. c. 109. - - -	650,000
Provided for by 28 & 29 Vict. c. 61. - - -	650,000
Provided for by 30 & 31 Vict. c. 145. - - -	800,000
Total of this enactment - - - - -	1,510,000
Total of the seven enactments - -	£ 7,460,000

Fortifications (Provision for Expenses).

A

BILL

FOR

Providing the final sum necessary to be raised by loan towards carrying on the works now in course of construction for the protection of the Royal Arsenals and Dockyards and the Harbours of Dover and Portland, and for authorizing the abandonment of that portion of the works already sanctioned by Parliament which has not been yet commenced.

(*Prepared and brought in by*
Mr. Dodson, Mr. Secretary Cardwell,
and Captain Vivian.)

Ordered, by The House of Commons, *to be Printed,*
19 *July* 1869.

[Bill 223.]

Under 1 *oz.*

A

BILL

TO

Amend the Game Laws of Scotland.

A.D. 1869.

Preamble.

WHEREAS divers Acts of Parliament have from time to time been passed relating to the preservation of game in Scotland, and those Acts are enumerated in the schedule to this Act, and are in this Act referred to as "the game laws:"

And whereas it is expedient that the game laws should be amended, and that the following provisions should be made with reference to those laws:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as "The Game Acts Amendment (Scotland) Act, 1869."

Interpretation of terms.

2. In this Act, unless there be something in the subject or context repugnant to such construction,

(1.) The word "tenant" shall mean any person now or hereafter in the occupation of lands in Scotland under any lease or agreement of lease, written or verbal:

(2.) The word "lessor" shall mean any person entitled to the rent of such lands:

(3.) The word "county" shall include stewartry, and also any ward or other like division of a county or stewartry:

(4.) The word "sheriff" shall include sheriff substitute.

Hares and rabbits not to be deemed game.

3. From and after *the passing of this Act* hares and rabbits shall not be deemed to be game within the meaning of the game laws, nor shall any of the provisions of those laws apply to the taking, killing, or destroying of hares or rabbits.

Prosecutions under game laws to be before sheriff.

4. From and after *the passing of this Act* all offences against the game laws now cognizable by justices of the peace shall, notwithstanding anything in those laws contained, be inquired into

A.D. 1869.

and determined by the sheriff or sheriff substitute of the county or of any district of the county where the offence shall be committed, at the instance of the procurator fiscal for the county, and the powers and jurisdiction of justices of the peace and quarter sessions under those laws shall cease and determine; and all powers, authority, and jurisdiction given by any of those laws to justices of the peace shall henceforth be vested in and exercised by the sheriff or sheriff substitute as aforesaid; and any forms, styles, or procedure applicable to prosecutions or proceedings before justices of the peace shall, mutatis mutandis, be applicable to prosecutions and proceedings before the sheriff or sheriff substitute as aforesaid; and it shall be competent for the prosecutor, or for the defender or party accused who shall have been brought before the sheriff substitute, in the first instance to appeal to the sheriff from the decision of the sheriff substitute in all cases in which it is declared by any of the game laws that it shall be competent to appeal from the decision of the justices to the quarter sessions, and subject to the same regulations as are provided in the said game laws.

No person to be prosecuted again for same offence.

5. From and after *the passing of this Act* any person who has been or shall be prosecuted for any act or acts as constituting an offence under any one or more of the game laws shall not be liable to be again prosecuted for the same act or acts as constituting an offence under any other of the game laws.

Compensation for damage arising to tenants.

6. From and after *the passing of this Act* a tenant shall be entitled to recover compensation from his lessor for any damages he may sustain in consequence or by reason of the increase of hares, rabbits, or game unduly encouraged or not duly prevented by the lessor on the lands occupied by the tenant during the currency of his lease, provided such increase shall arise subsequent to the passing hereof, and such compensation shall be sued for and recoverable only in the sheriff court of the county wherein the lands in respect of which the said damage is alleged to have been sustained are situate.

The tenant shall proceed to recover compensation in manner following: the tenant shall give notice to the lessor of the damage he has sustained, and of his intention to apply to the sheriff for compensation in not less than six days after such notice has been given; in the case of the damage being done to growing crop, such notice shall be given to the lessor at least three weeks before the crop is reaped or raised. The application to the sheriff shall be made by summary petition, setting forth the terms of the lease, and the particulars of the damage complained of, and praying for a valuation and for payment of the amount.

On considering such petition the sheriff shall appoint it to be intimated to the lessor in common form, and shall forthwith, with or without answers, appoint a valuator to value such damage, and report.

It shall be competent to either party to be heard before the sheriff in support of or in objection to the report of the valuator, but it shall not be competent to take any further evidence; provided that the sheriff may remit to the valuator to reconsider his report, and may resume consideration of his report, with any alteration he may have made thereon. The report of the valuator on being approved of by the sheriff, and the judgment of the sheriff approving, altering, or rejecting the same, shall be final, and shall not be subject to review.

This clause shall not prejudice or affect any lease or leases of game existing at the date of the passing of this Act.

Act to apply to Scotland only.

7. This Act shall apply to Scotland only.

A.D. 1869.

SCHEDULE.

The GAME ACTS referred to in this Act.

An Act of the Parliament of Scotland, passed in the year 1587, chapter 59., intituled "Slayers of wilde-beastes committes thieft."

An Act of the Parliament of Scotland, passed in the year 1621, chapter 31., intituled "Anent hunting and haulking."

An Act of the Parliament of Scotland, passed in the year 1707, chapter 91., intituled "An Act for preserving the game."

An Act for the more effectual preservation of the game in that part of Great Britain called Scotland, and for repealing and amending several of the laws now in being relative thereto. 13 George 3., chapter 54.

An Act for the more effectual prevention of persons going armed by night for the destruction of game. 9 George 4., chapter 69.

An Act to amend the laws in England relative to game. 1 & 2 William 4., chapter 32.

An Act for the more effectual prevention of trespasses upon property by persons in pursuit of game in that part of Great Britain called Scotland. 2 & 3 William 4., chapter 68.

An Act to continue for one year compositions for assessed taxes, and to alter the period for the expiration of game certificates, and for granting licences to deal in game. 2 & 3 Victoria, chapter 35.

An Act to extend an Act of the ninth year of King George the Fourth, for the more effectual prevention of persons going armed by night for the destruction of game. 7 & 8 Victoria, chapter 29.

An Act to enable all persons having at present a right to kill hares in Scotland to do so themselves, or by persons authorized by them, without being required to take out a game certificate. 11 & 12 Victoria, chapter 20.

An Act to repeal the duties on game certificates, and certificates to deal in game, and to impose in lieu thereof duties on excise licences and certificates for the like purposes. 23 & 24 Victoria, chapter 90.

An Act to amend the laws relating to the Inland Revenue. 24 & 25 Victoria, chapter 91.

An Act for the prevention of poaching. 25 & 26 Victoria, chapter 114.

Game Law Amendment (Scotland).

A

BILL

To amend the Game Laws of Scotland.

(*Prepared and brought in by*
Mr. M'Lagan, Mr. Fordyce, and Mr. Orr Ewing.)

Ordered, by The House of Commons, *to be Printed,*
2 *March* 1869.

[Bill 32.]

Under 1 *oz.*

A

BILL

TO

Amend the Game Laws in Scotland.

A.D. 1869.

WHEREAS it is expedient to amend the law relative to the preservation of game in Scotland and relative to tenants taking game.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Title and extent of Act.

1. This Act may be cited as The Game Laws Amendment (Scotland) Act, 1869, and shall apply to Scotland only.

Interpretation clause.

2. In this Act, unless there be something in the subject or context repugnant to such construction, the word "tenant" shall mean any person now or hereafter in occupation of lands in Scotland under any lease or agreement of lease, written or verbal; the word "lessor" shall mean any person entitled to the rent of such lands; the word "county" shall include stewartry and also any ward or other like division of county or stewartry; the word "sheriff" shall include sheriff substitute.

Tenant in occupation may kill hares.

3. From and after the *passing of this Act* it shall be lawful for any tenant in occupation of lands in Scotland under any lease or agreement of lease, where the exclusive right of killing hares is not specially reserved to the proprietor by the lease, or otherwise, to kill and destroy hares upon land in his occupation in like manner as it is now competent for tenants in occupation of lands in Scotland to kill rabbits thereon.

Tenant not required to take out licence to kill hares or rabbits.

4. A tenant who shall kill hares or rabbits in pursuance of this Act shall not thereby become liable to pay any assessed taxes, nor shall be bound, as a qualification for so killing hares or rabbits, to take out any licence under Act twenty-third and twenty-fourth Victoria, chapter ninety.

Tenant may appoint one person to kill hares and rabbits.

5. Any tenant of lands entitled to kill hares by virtue of this Act may, by writing under his hand, appoint not more than one person to kill hares and rabbits thereon, such person to be approved of by the landlord; and such person shall not be required to take out any licence, or be liable to any duty of assessed taxes, as a gamekeeper, or be deemed or be taken to be a trespasser, in terms of the Act of the second and third years of His late Majesty, King William, chapter sixty-eight.

Tenant may recover compensation from his lessor for damage by increase of game in sheriff court.

6. From and after the *passing of this Act* a tenant shall be entitled to recover compensation from his lessor for any damages he may sustain in consequence of or by reason of the increase of hares, rabbits, or game unduly encouraged or not duly prevented by the lessor on lands occupied by the tenant during the currency of his lease, provided that such increase shall arise subsequent to the passing hereof; and such compensation shall be sued for and recoverable only in the sheriff court of the county wherein the lands in respect of which the said damage is alleged to have been sustained are situate; and the judgment of the sheriff substitute or sheriff, in so far as the same consists of findings in point of fact, or fixes the amount of damages, shall be final and not subject to review, it being competent to appeal from the decision of the sheriff substitute to the sheriff; but, provided always, that the judgment of the sheriff substitute or sheriff, in so far as the same consists of findings in law, shall be subject to the review of the supreme courts.

Saving of rights.

7. Nothing in this Act shall affect the rights of parties under contracts the occupation under which shall have commenced before the passing of this Act or affect any leases of game existing at the date of the passing thereof.

Game Laws (Scotland).

A

B I L L

To amend the Game Laws in Scotland.

(*Prepared and brought in by*
Lord Elcho and Sir Graham Montgomery.)

Ordered, by The House of Commons, *to be Printed,*
3 *March* 1869.

[Bill 36.]

Under 1 *oz.*

A
BILL
TO
Amend the Game Laws in Scotland.

A.D. 1869.

WHEREAS the Acts specified in the schedule to this Act annexed, and herein-after referred to as the game laws, have been passed for the preservation of game in Scotland:

And whereas in various parts of Scotland serious evils have arisen from an excessive increase in the numbers of hares and rabbits which has been encouraged or permitted to take place in the midst of cultivated districts; and it is expedient that the game laws be amended with a view to the removal of these evils:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same:

Short title.

1. This Act may be cited for all purposes as "The Game Laws Amendment (Scotland) Act, 1869."

Interpretation.

2. In this Act the following words shall have the meanings hereby assigned to them respectively:

"Tenant" shall mean any person in the occupation of any lands under any lease or agreement of lease, written or verbal:

"Lessor" shall mean any person being the owner or entitled to receive the rents of any lands occupied by a tenant:

"Sheriff" shall mean the sheriff of the county of which he is sheriff, and shall include sheriff substitute.

Tenant may kill hares and rabbits.

3. From and after the *passing of this Act*, it shall be lawful for any tenant, by himself, or any person employed by him, and having his authority or permission, and in any manner, to kill hares and rabbits on the lands occupied by him, any agreement or covenant with the lessor of such lands to the contrary notwithstanding.

Compensation for damage caused by undue number of hares and rabbits.

4. Any owner or occupier of any lands may present a summary petition to the sheriff, complaining of damage sustained by him from hares or rabbits on any lands adjoining to or in the vicinity of the lands belonging to or occupied by him, and the sheriff shall thereupon appoint a copy of such petition to be served on the owner and

A.D. 1869.

occupier of the lands in regard to which such complaint is made, and shall within *six* days after the presentation of such petition appoint a competent person to inquire into such petition, and to report whether there is an undue number of hares or rabbits on such last-mentioned lands, and to value the damage, if any, caused thereby; and the sheriff, on receiving such report and valuation, shall, after hearing parties thereon by themselves or their agents vivâ voce, if they appear before him, or if after due notice they fail to appear before him, consider and dispose of such petition and report, and may find that the petitioner is entitled to such sum as the sheriff thinks fit as compensation for damage sustained by him, and shall order such sum to be paid by the owner or the occupier of such last-mentioned lands, or by them jointly, or in such proportions as the sheriff may determine.

Cost of proceedings.

5. The expenses incurred in or with respect to any petition presented to the sheriff under the provisions of this Act and the proceedings thereon shall be in the discretion of the sheriff; and he may find either of the parties to such proceedings liable to the other in such expenses, or may modify the same as he thinks fit.

Judgments of the sheriff to be final.

6. Any judgment pronounced by the sheriff substitute in a petition or proceedings under the provisions of this Act may be appealed to and reviewed by the sheriff, and all interlocutors or judgments pronounced by the sheriff substitute and not appealed to the sheriff, and all interlocutors or judgments pronounced by the sheriff, in petitions or proceedings under the provisions of this Act, shall be final and not subject to appeal or review in any court or by any process whatsoever.

Prosecutions under game laws to be before sheriff.

7. From and after the *passing of this Act*, all offences against the game laws now cognizable by justices of the peace shall, notwithstanding anything in those laws contained, be inquired into and determined by the sheriff of the county where the offence shall be committed, at the instance of the procurator fiscal for the county, and the powers and jurisdiction of justices of the peace and quarter sessions under those laws shall cease and determine; and all powers, authority, and jurisdiction given by any of those laws to justices of the peace shall henceforth be vested in and exercised by the sheriff, and any forms or procedure applicable to prosecutions or proceedings before justices of the peace shall, mutatis mutandis, be applicable to prosecutions and proceedings before the sheriff; and it shall be competent for the prosecutor, or for the defender or party accused who shall have been brought before the sheriff substitute in the first instance, to appeal to the sheriff from the decision of the sheriff substitute in all cases in which it is provided by any of the Acts specified in the schedule to this Act annexed that it shall be competent to appeal from the decision of justices of the peace to the quarter sessions, and subject to the same regulations as are provided in the said Acts or any of them.

Saving existing leases of shootings.

8. The provisions of this Act shall not apply to or affect any lands included in leases existing at the passing of this Act, of game or shootings, to persons not being the occupiers of such lands, during the term or currency of such leases.

Act to apply to Scotland only.

9. This Act shall apply to Scotland only.

SCHEDULE.

The ACTS referred to in this Act as the GAME LAWS.

An Act of the Parliament of Scotland passed in the year 1587, chapter 59, intituled "Slayers of wilde beastes committes thieft."

An Act of the Parliament of Scotland passed in the year 1621, chapter 31, intituled "Anent hunting and haulking."

An Act of the Parliament of Scotland passed in the year 1707, chapter 91, intituled "An Act for preserving the game."

An Act for the more effectual preservation of the game in that part of Great Britain called Scotland, and for repealing and amending several of the laws now in being relative thereto. 13 George 3, chapter 54.

An Act for the more effectual prevention of persons going armed by night for the destruction of game. 9 George 4, chapter 69.

An Act to amend the laws in England relative to game. 1 & 2 William 4, chapter 32.

An Act for the more effectual prevention of trespasses upon property by persons in pursuit of game in that part of Great Britain called Scotland. 2 & 3 William 4, chapter 68.

An Act to continue for one year compositions for assessed taxes, and to alter the period for the expiration of game certificates, and for granting licences to deal in game. 2 & 3 Victoria, chapter 35.

An Act to extend an Act of the ninth year of King George the Fourth, for the more effectual prevention of persons going armed by night for the destruction of game. 7 & 8 Victoria, chapter 29.

An Act to enable all persons having at present a right to kill hares in Scotland to do so themselves, or by persons authorized by them, without being required to take out a game certificate. 11 & 12 Victoria, chapter 20.

An Act to repeal the duties on game certificates, and certificates to deal in game, and to impose in lieu thereof duties on excise licences and certificates for the like purposes. 23 & 24 Victoria, chapter 90.

An Act to amend the laws relating to the inland revenue. 24 & 25 Victoria, chapter 91.

An Act for the prevention of poaching. 25 & 26 Victoria, chapter 114.

Game Laws (Scotland),
(No. 2).

A

BILL

To amend the Game Laws in Scotland.

(*Prepared and brought in by*
Mr. Loch, Sir Robert Anstruther, and
Mr. Parker.)

Ordered, by The House of Commons, *to be Printed,*
11 *March* 1869.

[Bill 47.]

Under 1 *oz.*

463

A

BILL

TO

Amend the Acts relating to the Purchase of Small Government Annuities, and assuring Payments of Money on Death.

A.D. 1869.

Preamble.

WHEREAS it is expedient to amend the following Acts, namely,—

An Act of the session of the sixteenth and seventeenth years of the reign of Her present Majesty, chapter forty-five, intituled "An Act to consolidate and amend the laws and to "grant additional facilities in relation to the purchase of "government annuities through the medium of savings banks, "and to make other provisions in respect thereof," and

An Act of the session of the twenty-seventh and twenty-eighth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to grant additional facilities for the pur"chase of small government annuities, and for assuring "payments of money on death:"

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Construction of Act, and short titles.

1. This Act shall be construed as one with the recited Acts (in this Act referred to as the principal Acts); and the said Acts, together with this Act, may be cited for all purposes as The Small Government Annuities, &c., Acts, and each of the said Acts may be cited as the Small Government Annuities, &c., Act of the year in which it was passed.

Limit of sum insured.

3. Section five of the Small Government Annuities, &c., Act, 1864, is hereby repealed.

Contracts for payment to be made on the death of any one person under the principal Acts shall not be for a greater amount in the whole than *one hundred pounds* or of a less amount than *five pounds.*

Amount of instalments.

4. So much of section thirteen of the Small Government Annuities &c. Act, 1864, as provides that "no sum in respect of "instalments or premiums payable at any one time shall be of less

A.D. 1869.

"amount than *two shillings*," is hereby repealed. No sum in respect of instalments or premiums payable under the principal Acts at any one time shall be of less amount than *one shilling*.

Government
Annuities, &c.

A

BILL

To amend the Acts relating to the Purchase of small Government Annuities, and assuring Payments of Money on Death.

(*Prepared and brought in by*
Marquis of Hartington, Mr. Chancellor of the
Exchequer, and Mr. Stansfeld.)

Ordered, by The House of Commons, *to be Printed,*
9 *April* 1869.

[Bill 70.]

Under 1 *oz.*

A
BILL

INTITULED

An Act to amend in certain respects the Act for the better Government of India.

A.D. 1869.

[NOTE.—*The Words and Clauses printed in Red Ink are proposed to be inserted in Committee.*]

WHEREAS it is expedient that the Act of the twenty-first and twenty-second years of Victoria, chapter one hundred and six, intituled " An Act for the better government of India," should be amended as regards the duration of service and the remuneration of members of the Council of India, and in certain other respects:

And whereas it is provided by the said recited Act that every member of the said Council elected or appointed under that Act shall hold his office during good behaviour:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Vacancies to be filled up by Secretary of State.

1. After the passing of this Act all vacancies that shall take place in the said Council shall be filled up by appointment by the Secretary of State.

Members of the Council of India to be in future appointed for a term of ten years.

2. Every member of the said Council who shall, after the passing of this Act, be so appointed, shall be appointed for a term of ten years, and, except as herein-after provided, shall not be re-eligible.

Re-appointment of member for farther period of five years.

3. It shall be lawful for the Secretary of State to reappoint for a farther period of five years any person whose term of office as member of Council under this Act shall have expired provided such reappointment be made for special reasons of public advantage, which reasons shall be set forth in a minute signed by the said Secretary of State, and laid before both Houses of Parliament.

Former Acts to apply to future members.

4. Except as herein otherwise provided, all the provisions of the said recited Act, and of any other Act of Parliament relating to members of the Council of India, shall apply to members appointed under the provisions of this Act.

Clause A.
21 & 22 Vict. c. 106. s. 14. repealed.

Section fourteen of the said recited Act for the better government of India is hereby repealed.

As to retiring pensions of existing members of Council.

5. Any Member of Council may, by writing under his hand, which shall be recorded in the minutes of the Council, resign his office; and it shall be lawful for Her Majesty, by warrant under Her sign manual, countersigned by the Chancellor of the Exchequer, to grant to any member so resigning, out of the revenues of India, if he shall have been elected or appointed before the passing of this Act, and if he shall have held the said office for the period of ten years and upwards at the date of such resignation, a retiring pension during life of five hundred pounds.

Clause B.
Provision as to future changes in constitution of Council.

If at any time hereafter it should appear to Parliament expedient to reduce the number or otherwise to deal with the constitution of the said Council, no member of Council who has not served in his office for a period of ten years shall be entitled to claim any compensation for the loss of his office, or for any alteration in the terms and condition under which the same is held.

Appointment of ordinary members of the Governor General's Council and of the presidencies.

6. The appointments of the ordinary members of the Governor General's Council, and of the members of Council of the several presidencies, which, by section twenty-nine of the said recited Act, are to be made by the Secretary of State in Council, with the concurrence of a majority of members present at a meeting, shall, after the passing of this Act, be made by Her Majesty by warrant under her royal sign manual.

Government of India Act Amendment. [H.L.]

A

BILL

INTITULED

An Act to amend in certain respects the Act for the better Government of India.

(*Brought from the Lords* 8 *June* 1869.)

Ordered, by The House of Commons, *to be Printed,*
8 *June* 1869.

[Bill 150.]

Under 1 *oz.*

471

A

BILL

INTITULED

An Act to define the powers of the Governor General of India in Council at meetings for making laws and regulations, and to make better provision for making laws and regulations for certain parts of India, and for certain other purposes.

A.D. 1869.

WHEREAS doubts have arisen as to the extent of power of the Governor General of India in Council to make laws binding upon native Indian subjects beyond the Indian territories under the dominion of Her Majesty:

And whereas it is expedient that better provision should be made in other respects for the exercise of the power of the Governor General in Council:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power to make laws for native Indian subjects beyond the Indian territories.

1. From and after the passing of this Act, the Governor General of India in council shall have power at meetings for the purpose of making laws and regulations to make laws and regulations for all persons being native Indian subjects of Her Majesty, her heirs and successors, without and beyond as well as within the Indian territories under the dominion of Her Majesty.

Former laws to be valid.

2. No law heretofore passed by the Governor General of India, or by the governors of Madras and Bombay, respectively in council, shall be deemed to be invalid solely by reason of its having reference to native subjects of Her Majesty not within the Indian territories under the dominion of Her Majesty.

Power to make regulations for territories under immediate administration of Governor General in Council.

3. The Governor General in Council shall have power to make regulations for the peace and good government of any territories under his immediate administration; and such regulations, when published in the "Gazette of India" and also in the local "Gazette," shall have like force of law and be subject to the like disallowance as if they had been made by the Governor General of India in Council at a meeting for the purpose of making laws and regulations.

Power to make regulations by Executive Government for certain parts of British India.

4. The lieutenant governor of the Punjab shall have power to propose to the Governor General in Council drafts of any regulations for the peace and good government of the territories under his government, together with the reasons for proposing the same drafts.

And every governor in council or lieutenant governor (whether the governorship or lieutenant governorship be now in existence or shall hereafter be established) shall have the like power, but only so far as regards the part or parts of the territories under his government to which the Secretary of State for India shall from time to time by resolution in council declare the provisions of this section to be applicable, from any date to be fixed in such resolution.

And the Governor General in Council shall take such drafts and reasons into consideration; and when any such draft shall have been approved of by the Governor General in Council, and shall have received the Governor General's assent, it shall be published in the "Gazette of India" and in the local "Gazette," and shall thereupon have like force of law and be subject to the like disallowances as if it had been made by the Governor General of India in Council at a meeting for the purpose of making laws and regulations.

The Secretary of State for India in Council may from time to time withdraw the said power from the lieutenant governor of the Punjab, or from any governor or lieutenant governor on whom it shall have been conferred, and may from time to time restore the same, as he shall think fit.

Copies of regulations to be sent to Secretary of State.

Subsequent enactments to control regulations.

5. The Governor General shall transmit to the Secretary of State for India in Council an authentic copy of every regulation which shall have been made under the provisions of section three or section four of this Act; and all laws or regulations hereafter made by the Governor General of India in Council, whether at a meeting for the purpose of making laws and regulations, or under the said provisions, shall control and supersede any regulation in anywise repugnant thereto which shall have been made under the same provisions.

Lieutenant governors and chief commissioners to be members ex officio of the Governor General's

6. Whenever the Governor General in Council shall hold a meeting for the purpose of making laws and regulations at any place within the limits of any territories now or hereafter placed under the administration of a lieutenant governor or a chief commissioner, the lieutenant governor or chief commissioner respectively shall be ex officio an additional member of the council of the Governor General for that purpose, in excess (if necessary) of the maximum number of twelve specified by the said Act.

council for the purpose of making laws and regulations.

Repeal of 3 & 4 W. 4. c. 85. s. 49.

7. Section forty-nine of the Act of the third and fourth years of King William the Fourth, chapter eighty-five, is hereby repealed.

Procedure in case of difference between the Governor General and the majority of his council.

8. Whenever any measure shall be proposed before the Governor General in Council whereby the safety, tranquillity, or interests of the British possessions in India, or any part thereof, are or may be, in the judgment of the said Governor General, essentially affected, and he shall be of opinion either that the measure proposed ought to be adopted and carried into execution, or that it ought to be suspended or rejected, and the majority in council then present shall dissent from such opinion, the Governor General may, on his own authority and responsibility, suspend or reject the measure in part or in whole, or adopt and carry it into execution, but in every such case any two members of the dissentient majority may require that the said suspension, rejection, or adoption, as well as the fact of their dissent, shall be notified to the Secretary of State for India, and such notification shall be accompanied by copies of the minutes (if any) which the members of the council shall have recorded on the subject.

Power to repeal or amend certain sections of 3 & 4 W. 4. c. 85.

9. Notwithstanding anything in the said Indian Councils Act or in any other Act of Parliament contained, any law or regulation which shall hereafter be made by the Governor General in Council in manner in the said Indian Councils Act provided shall not be invalid by reason only that it may repeal or affect any of the provisions of the said Act of the third and fourth years of King William the Fourth, chapter eighty-five, contained in sections eighty-one, eighty-two, eighty-three, eighty-four, eighty-five, and eighty-six of the said Act.

Power to appoint natives of India to certain offices without certificate from the Civil Service Commissioners.

10. Whereas it is expedient that additional facilities should be given for the employment of natives of India in the civil service of Her Majesty in India: Be it enacted, that nothing in the "Act "for the government of India," twenty-one and twenty-two Victoria, chapter one hundred and six, or in the "Act to confirm certain "appointments in India, and to amend the law concerning the civil "service there," twenty-four and twenty-five Victoria, chapter fifty-four, or in any other Act of Parliament or other law now in force in India, shall restrain the authorities in India by whom appointments are or may be made to offices, places, and employments in the civil service of Her Majesty in India from appointing any native of India to any such office, place, or employment, although such

A.D. 1869.

native shall not have been admitted to the said civil service of India in manner in section thirty-two of the first-mentioned Act provided, but subject to such rules and regulations as the Governor General in Council may from time to time prescribe, under the sanction of the Secretary of State in Council; and that for the purpose of this Act the words "natives of India" shall include any person born and domiciled within the dominions of Her Majesty in India, of parents habitually resident in India, and not established there for temporary purposes only; and that it shall be lawful for the Governor General in Council, by laws to be from time to time passed at meetings for the purpose of making laws and regulations, to define more particularly the qualification of natives of India thus expressed; provided that every law made for such purpose shall be subject to the disallowance of the Secretary of State in Council as in the Indian Councils Act, one thousand eight hundred and sixty-one provided, and shall not have force until it has been laid for thirty days before both Houses of Parliament.

Governor General of India. [H.L.]

A

BILL

INTITULED

An Act to define the powers of the Governor General of India in Council at meetings for making laws and regulations, and to make better provision for making laws and regulations for certain parts of India, and for certain other purposes.

(Brought from the Lords 20 April 1869.)

Ordered, by The House of Commons, *to be Printed,*
21 *April* 1869.

[Bill 89.]

Under 1 *oz.*

A

BILL

TO

Provide for the Apportionment of Grand Jury Cess between landlord and tenant in Ireland.

A.D. 1869.

WHEREAS it is expedient to exonerate occupying tenants in Ireland from the full burden of grand jury cess in Ireland, to which they are now liable, and to provide that in future grand jury cess shall be apportioned between landlord and tenant:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Occupying tenant may deduct a proportion of his county cess from his landlord.

1. When a person occupying any tenement liable to grand jury cess shall be liable to pay a rent in respect of the same, he may, after this Act shall come into operation, deduct from such rent, for each pound of the rent which he shall be liable to pay, one half of the sum which he shall have paid as county cess in respect of each pound of the net annual value of the tenement he shall so occupy, and so in proportion for any less sum than a pound.

But shall not deduct more than one half the cess he may pay.

2. Provided always, that it shall not be lawful for any occupier to deduct from the rent payable by him for a tenement a larger sum than one half of the amount of the cess that shall have been paid by him in respect of such tenement.

Intermediate landlords may deduct cess from head rents.

3. When any person receiving rent in respect of any property liable to grand jury cess shall also pay a rent in respect of the same, he shall be entitled to deduct from the rent so paid by him a sum bearing such a proportion to the amount of the cess deducted from the rent received by him as the rent paid by him shall bear to the rent received by him.

Act to come into operation after spring assizes 1870.

4. This Act shall come into operation in respect of the grand jury cess that shall be imposed at the spring assizes one thousand eight hundred and seventy, and shall apply to all grand jury cess that shall be imposed after that period.

A.D. 1869.

Not to affect existing leases.

5. Nothing herein contained shall apply to any occupying tenant in Ireland holding under any lease made before the passing of this Act, and every such tenant shall continue as he is now liable to pay the whole of the grand jury cess that may be imposed upon his tenement, and shall not be entitled, in the absence of any agreement to the contrary contained in his lease, to deduct any portion thereof from his landlord, nor shall any intermediate landlord holding under a lease made before the passing of this Act be entitled during the continuance of his lease to deduct any county cess from his landlord under the provisions of this Act.

Title of the Act.

6. For all purposes this Act may be cited as "The Grand Jury Cess (Ireland) Act, 1869."

Grand Jury Cess (Ireland).

A

B I L L

To provide for the Apportionment of Grand Jury Cess between landlord and tenant in Ireland.

(*Prepared and brought in by*
Mr. Stacpoole and Colonel Greville-Nugent.)

Ordered, by The House of Commons, *to be Printed,*
18 *March* 1869.

[Bill 60.]

Under 1 *oz.*

A

BILL

TO

Make better provision respecting Greenwich Hospital, and the application of the revenues thereof.

A.D. 1869.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short titles and construction. 28 & 29 Vict. c. 89.

1. This Act may be cited as The Greenwich Hospital Act, 1869; and this Act and The Greenwich Hospital Act, 1865, shall be read and have effect together as one Act, and may be cited together as The Greenwich Hospital Acts, 1865 and 1869.

Repeal of enactments in schedule.

2. From and immediately after the *thirtieth* day of *September one thousand eight hundred and sixty-nine*, the enactments described in the schedule to this Act shall be repealed; but this repeal shall not affect any Greenwich Hospital allowance appointed before this repeal takes effect.

Admission of invalids, &c. to benefits of hospital.

3. The Admiralty may, under regulations to be from time to time made by them, admit temporarily or permanently to the benefits of Greenwich Hospital non-commissioned officers and men of the royal navy and marines who, although not in receipt of naval pensions, have been, before or after the passing of this Act, discharged as invalided for disease or wounds contracted or received in or by the service of the Crown, or are infirm and helpless.

Transfer of invalids to naval hospital, &c.

4. The Admiralty may, under regulations to be from time to time made by them, send any non-commissioned officers or men admitted to the benefits of Greenwich Hospital to a naval hospital or infirmary, to be there maintained at the expense of Greenwich Hospital.

Power to substitute pensions for maintenance.

5. The Admiralty may, under regulations to be from time to time made by them, appoint to non-commissioned officers and men admitted to the benefits of Greenwich Hospital, in lieu of maintaining them in or at the expense of Greenwich Hospital, such special Greenwich Hospital pensions as to the Admiralty seem fit, accord-

A.D. 1869.

ing to the circumstances of each case, but so that the amount received by any officer or man in respect of such special pension, together with the naval pension (if any) appointed to him, and the Greenwich Hospital pension (if any) appointed to him under The Greenwich Hospital Act, 1865, do not exceed in the case of any officer or man who was an inmate of Greenwich Hospital on the *first* day of *January one thousand eight hundred and sixty-nine* the sum of *thirty-six pounds ten shillings* a year, and in the case of any officer or man who has been or is admitted to the benefits of Greenwich Hospital after the last-mentioned day the sum of *twenty-seven pounds ten shillings* a year.

Approval of regulations.

6. Regulations made by the Admiralty under this Act shall not have effect unless and until they are approved by Her Majesty in Council.

Power to permit use of buildings for public purposes.

7. The Admiralty may from time to time permit Greenwich Hospital or any part thereof, with the appurtenances, to be occupied and used temporarily for the purposes of the naval service or of any department of Her Majesty's Government, or for any public or charitable or other useful purpose, with or without requiring a rent, and on such terms respecting repairs and other matters as the Admiralty think fit; but so that the whole of the buildings of the hospital and their appurtenances shall be at all times available for the purposes to which the same would have been applicable if this section had not been enacted.

Greenwich Hospital income account.

8. Her Majesty's Paymaster General shall continue to keep in his books the separate account, called the Greenwich Hospital income account, opened by him under The Greenwich Hospital Act, 1865.

Payment out of consolidated fund.

9. From and after the *thirtieth* day of *September one thousand eight hundred and sixty-nine* there shall be charged on the consolidated fund of the United Kingdom, and from time to time under the direction of the Commissioners of Her Majesty's Treasury carried therefrom to the Greenwich Hospital income account, the annual sum of *four thousand* pounds (the same being the estimated difference between the annual sum of twenty thousand pounds charged on the consolidated fund by the Act of King William the Fourth, repealed by this Act, and the corrected average aggregate amount of the sums of fifteen pounds per head mentioned in section fifty-one of The Greenwich Hospital Act, 1865, also repealed by this Act); which annual sum shall be carried over in one amount on or before the *thirtieth* day of *September* in each year, commencing with the year *one thousand eight hundred and seventy.*

Proportionate parts of payments to and from consolidated fund.

10. Notwithstanding anything in this Act there shall be carried from the consolidated fund to the Greenwich Hospital income account a proportionate part of the said annual sum of twenty thousand pounds for the period between the last payment on account thereof and the *thirtieth* day of *September one thousand eight hundred and sixty-nine*; and the sum equal to fifteen pounds per head on the number of men referred to in section fifty-one of The Greenwich Hospital Act, 1865, shall be paid for the half year ending on the *thirtieth* day of *September one thousand eight hundred and sixty-nine.*

Transfer of naval pensions of men maintained.

11. The naval pensions of such non-commissioned officers and men as are for the time being maintained in or at the expense of Greenwich Hospital shall not be paid to them individually, but so much of the money annually provided and appropriated by Parliament for naval pensions as would be applicable to the payment of the naval pensions of those officers and men shall be paid into the Bank of England under the direction of the Admiralty to the cash account of Her Majesty's Paymaster General, who shall carry the same to the Greenwich Hospital income account.

Pensions to merchant seamen, &c.

12. From and after the *thirtieth* day of *September one thousand eight hundred and sixty-nine*, the Admiralty shall from time to time pay to the Board of Trade a sum or sums not exceeding in the whole in any year the sum of *four thousand* pounds, which shall in the first instance be defrayed out of money provided by Parliament, and shall be repaid to the consolidated fund of the United Kingdom from the Greenwich Hospital income account, in manner provided in sections fifty and fifty-one of The Greenwich Hospital Act, 1865.

The Board of Trade shall apply the sum or sums aforesaid in payment of pensions to some of such masters and seamen of the mercantile marine as contributed out of their wages the sum of sixpence a month towards the support of Greenwich Hospital; and it shall be lawful for Her Majesty, from time to time, by Order in Council made on the joint recommendation of the Admiralty and the Board of Trade, to make regulations respecting the qualifications for and amount of such pensions, but so that any such pension do not exceed in the case of a master the sum of six pounds sixteen shillings a year, and in the case of a seaman the sum of three pounds eight shillings a year.

Payment of rents after deduction of expenses, &c.

13. The rents and profits of the lands vested in the Admiralty by virtue of The Greenwich Hospital Act, 1865, shall, as and when received, be paid, after deduction of the necessary and proper expenses of management of those lands and of all other necessary

A.D. 1869.

and proper outgoings in respect thereof, into the Bank of England to the cash account of Her Majesty's Paymaster General, who shall carry the same to the Greenwich Hospital income account.

Provision as to Hexham, &c. railway.

14. From and after the *thirtieth* day of *September one thousand eight hundred and sixty-nine*, The Hexham and Allendale Railway Act, 1866, shall be read and have effect as if the Solicitor of the Admiralty had been mentioned throughout the enactments of that Act instead of the comptroller of the Greenwich Hospital estate; and the register of shareholders of the Hexham and Allendale Railway Company shall be altered (as far as is necessary) accordingly.

Audit of accounts of property.

15. The Accountant General of the Navy shall annually prepare and submit to the Comptroller and Auditor General abstract accounts of the receipts and expenditure of the capital and of the income derived from the lands and property held for the benefit of Greenwich Hospital; and those accounts shall be audited and allowed in the same manner as the accounts of money granted and expended for naval services; and section forty-nine of The Greenwich Hospital Act, 1865, shall apply to those accounts.

Pensions instead of annuities.

16. Notwithstanding anything in sections twelve and sixteen of The Greenwich Hospital Act, 1865, directing the purchase of annuities for such persons and of such respective amounts as therein described, the Admiralty may, if they think fit, from time to time grant to persons hereafter removed from office under the provisions of the said Act, or to any of them, pensions for their respective lives, of the like amount as the annuities to which they would respectively be entitled under those sections, to be charged on the income of Greenwich Hospital; and where any pension is so granted the directions of sections twelve and sixteen shall not have effect.

THE SCHEDULE.

Enactments repealed.

4 & 5 Will. 4. c. 34.	An Act to repeal the laws relating to the contribution out of merchant seamen's wages towards the support of the Royal Naval Hospital at Greenwich, and for supplying other funds in lieu thereof.
28 & 29 Vict. c. 89. in part.	The Greenwich Hospital Act, 1865,—in part namely;— Sections six, twenty-seven, twenty-eight, thirty-seven, forty-six, and forty-seven, and so much of section fifty-one as relates to the payment of a sum equal to fifteen pounds per head on the number of men therein referred to.

Greenwich Hospital.

A

BILL

To make better provision respecting Greenwich Hospital, and the application of the revenues thereof.

(Prepared and brought in by
Mr. Trevelyan, Mr. Childers, and Mr. Adam.)

Ordered, by The House of Commons, *to be Printed,*
4 *May* 1869.

[Bill 105.]

Under 1 *oz.*

Habitual Criminals Bill. [H.L.]

ARRANGEMENT OF CLAUSES.

Preliminary.

Clause.
1. Application of Act.
2. Short title.
3. Definitions.

PART I.

Convicts at large on Licence.

4. Power to apprehend holders of licence on suspicion.
5. Penalty for breach of conditions of licence.
6. Register of holders of licences.
7. Returns for purposes of register.
CLAUSE A. Expenses of register.
8. Part of Act to be construed with Penal Servitude Acts.

PART II.

Habitual Criminals.

9. Person twice guilty of felony and not punished with penal servitude to be subject to the supervision of the police.
10. Person thrice convicted of felony to be liable to be taken up if found under suspicious circumstances.
11. Amendment of sect. 4. of the Vagrant Act.
12. Penalty for harbouring thieves, &c.

PART III.

Receivers of stolen Goods.

13. Burden of proof in cases of receiving stolen goods.

PART IV.

Assaults on Police.

Clause.
14. Assaults on police.

PART V.

General Provisions.

15. Previous convictions need not be charged in indictment.
16. Power to remand.
17. Forms in schedule.
Schedules.

A
B I L L
INTITULED

An Act for the more effectual Prevention of Crime.

A.D. 1869.

[NOTE.—*The clause printed in red ink is proposed to be inserted in Committee.*]

WHEREAS it is expedient to make further provision for the suppression of crimes committed by convicts at large on licence or by other suspected persons:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Application of Act.

1. This Act shall not apply to Scotland or Ireland except where the United Kingdom is expressly mentioned.

Short title.

2. This Act may be cited as "The Habitual Criminals Act, 1869."

Definition of "court;" "Chief officer of police."

3. In this Act the term "court" includes any justice or justices of the peace or other person or persons having jurisdiction in the matter to which the term refers. "Chief officer of police" shall mean within the district of the metropolitan police force the commissioner of police, or an assistant commissioner, or a district superintendent; in the City of London the commissioner of police; and elsewhere shall include any of the following persons,—chief constable, head constable, or other chief officer of police or of a division of police, by whatever name such chief officer may be called.

PART I.
Convicts at large on Licence.

Power to apprehend holders of licence on suspicion.

4. Any constable or police officer may, if authorized so to do in writing by a chief officer of police, without warrant, take into custody any convict who is the holder of a licence granted under The Penal Servitude Acts, 1853, 1857, and 1864, or any of them, and whom he suspects of getting a livelihood by dishonest means, and may bring him before a justice of the peace or other competent magistrate.

If such holder of a licence fail to make it appear to the satisfaction of the justice or magistrate before whom he is brought that he is not getting his livelihood by dishonest means, his licence shall be forfeited in the same manner as if he had been convicted of an indictable offence, and the justice or magistrate before whom he is brought shall commit him to any prison within his jurisdiction, there to remain until he can conveniently be removed to some prison in which convicts under sentence of penal servitude may lawfully be confined, in order that he may there undergo the term of penal servitude to which he is liable under the said Penal Servitude Acts or some of them.

Penalty for breach of conditions of licence.

5. Where one of Her Majesty's Principal Secretaries of State inserts in any licence granted under the said Penal Servitude Acts, or any of them, any conditions different from or in addition to those contained in Schedule A. of the Penal Servitude Act, 1864, the holder of such licence shall, on a breach of such conditions, be deemed guilty of an offence, in the same manner as if such conditions were contained in the said Schedule A.

There shall be repealed so much of the fourth section of the Penal Servitude Act, 1864, as requires the holder of a licence to report himself personally once in each month.

Register of holders of licences.

6. For the better supervision of convicts who hold licences granted under the Penal Servitude Acts, 1853, 1857, and 1864, or any of them, a register of the holders of such licences shall be kept in London, under the management of the Commissioner of Police for the Metropolis, or of such other person as one of Her Majesty's Principal Secretaries of State may appoint, in such form, and containing such particulars, and subject to such regulations as may from time to time be prescribed by one of Her Majesty's Principal Secretaries of State.

Returns for purposes of register.

7. In order to make such register complete, and to make the supervision over the holders of such licences effectual, the gaolers of county and borough prisons, and the chief officers of police in every county, borough, and other place in the United Kingdom which maintains a separate police, shall from time to time make returns to one of Her Majesty's Principal Secretaries of State, or to such person as he may appoint, in such manner, and at such time, and containing such information with respect to the holders of licences, as the Secretary of State may from time to time direct.

CLAUSE A. Expenses of register.

All expenses incurred in keeping such register, including the salaries of the requisite clerks and the expenses of the returns for the purpose of the register, shall be paid out of the police fund, and the amount which one of Her Majesty's Principal Secretaries of State may certify to have been properly paid on account of such expenses shall be from time to time repaid to that fund out of monies provided by Parliament.

Part of Act to be construed with Penal Servitude Acts.

8. This part of this Act, so far as is consistent with the tenor thereof, shall be construed as one with the said Penal Servitude Acts.

PART II.

Habitual Criminals.

Person twice guilty of felony and not punished with penal servitude to be subject to the supervision of the police.

9. Where any person is convicted of any offence specified in the first schedule hereto, and a less punishment than penal servitude is awarded to him, and he be proved to have been once previously convicted of such offence, either before or after the passing of this Act, then, in addition to any other punishment which may be awarded to him, it shall be deemed to be part of the sentence passed on him, whether so declared by the court or not, that he is to be subject to the supervision of the police as hereinafter mentioned for a period of seven years, commencing from the time at which he is convicted, and exclusive of the time during which he is undergoing his punishment.

Where any person is subject, in pursuance of this Act, to the supervision of the police, he shall be guilty of an offence punishable (on summary conviction before two or more justices or a stipendiary magistrate) with imprisonment, with or without hard labour, for a term not exceeding one year, under the following circumstances, or any of them:

First. If, on his being suspected by a constable or police officer of getting his livelihood by dishonest means, he fails to make it appear to the justices or magistrate before whom he is brought that he is not getting his livelihood by dishonest means:

Secondly. If he is found by any constable or police officer in any place, whether public or private, under such circumstances as to satisfy the justices or magistrate before whom he is brought that he is about to commit or to aid in the commission of any crime punishable on summary conviction or indictment, or is waiting for an opportunity to commit or aid in the commission of any such crime:

Thirdly. If he is found by any person in or upon any dwelling house, or any building, yard, or premises, being parcel of or attached to such dwelling house, or in or upon any shop, warehouse, counting-house, or other place of business, or in any garden, orchard, pleasure ground, or nursery ground, without being able to account to the satisfaction of the justices or magistrate before whom he is brought for his being found on such premises:

And when so suspected or found as aforesaid he may be taken into custody by any constable or police officer without warrant, or may, if found by any person under the circumstances thirdly hereinbefore mentioned, or any of them, be apprehended by the owner or occupier of the property on which he is found, or by the servants of the owner or occupier, or by any other person authorized by the owner or occupier, and may be detained until he can be delivered into the custody of a constable or police officer for the purpose of being brought before the justices or magistrate; provided that no person shall be so taken into custody on the ground that he is suspected of getting his livelihood by dishonest means except under a written authority from a chief officer of police.

When a person is convicted under this section of an offence which subjects him to the supervision of the police, the record of his conviction shall contain a statement to the effect that he is subject to the supervision of the police in pursuance of this Act for a period of seven years commencing from the date of his conviction, or words to the like purport, but the omission of any such statement shall not exempt any person from the operation of this section.

Person thrice convicted of felony to be liable to be taken up if found under suspicious circumstances.

10. Where any person is convicted of any offence specified in the first schedule hereto, not punishable with death, and he is proved to have been twice previously convicted of any such offence, either before or after the passing of this Act, and the offence for which he is about to be sentenced has been committed within five years of the termination of the period of punishment awarded on the last of such previous convictions, such person shall be sentenced to penal servitude for a term of not less than seven years; and any person who is proved to have been thrice convicted of any such offence as aforesaid, either before or after the passing of this Act, shall, at any time after the expiration of the sentence passed on him for such offence as aforesaid, be deemed guilty of an offence punishable (on summary conviction before two or more justices or a stipendiary magistrate) with imprisonment, with or without hard labour, for a period not exceeding one year if found under the circumstances following, or any of them; that is to say,

First. If found by any constable or police officer in any place, whether public or private, under such circumstances as to satisfy the justices or magistrate before whom he is brought that he is about to commit or to aid in the commission of any crime punishable on summary conviction or indictment, or is waiting for an opportunity to commit or aid in the commission of any such crime:

Secondly. If found by any person in or upon any dwelling house, or any building, yard, or premises, being parcel of or attached to such dwelling house, or in or upon any shop, warehouse, counting-house, or other place of business, or in any garden, orchard, pleasure ground, or nursery ground, without being able to account to the satisfaction of the justices or magistrate before whom he is brought for his being found on such premises:

And when so found as aforesaid he may be taken into custody by any constable or police officer, without warrant, for the purpose of being brought before the justices or magistrate, or may, if found by any person under the circumstances secondly in this section mentioned, or any of them, be apprehended by the owner or occupier of the property on which he is found, or by the servants of the owner or occupier, or by any other person authorized by the owner or occupier, and may be detained until he can be delivered into the custody of a constable or police officer for the purpose of being brought before the justices or magistrate.

Amendment of sect. 4 of the Vagrant Act, 5 G. 4. c. 83.

11. And whereas by the fourth section of the Act passed in the fifth year of the reign of King George the Fourth, chapter eighty-three, intituled "An Act for the punishment of idle and disorderly "persons, and rogues and vagabonds, in that part of Great "Britain called England," it is amongst other things provided that every suspected person or reputed thief frequenting any river, canal, or navigable stream, dock, or basin, or any quay, wharf, or warehouse near or adjoining thereto, or any street, highway, or avenue leading thereto, or any place of public resort or any avenue leading thereto, or any street, highway, or place adjacent, with intent to commit felony, shall be deemed a rogue and vagabond, and may be apprehended and committed to prison with hard labour for any time not exceeding three calendar months: And whereas doubts are entertained as to the nature of the evidence required to prove for the purposes of the said section the intent to commit a felony: Be it enacted, that in proving such intent it shall not be necessary to show that the person suspected was guilty of any particular act or acts tending to show his purpose or intent, and he may be convicted if from the general circumstances of the case, and from his known

A.D. 1869.

character as proved to the justices or magistrate, it appears to such justices or magistrate that under the circumstances it may reasonably be presumed that his intent was to commit a felony.

Penalty for harbouring thieves, &c. 25 & 26 Vict. c. 101. s. 337.

12. Every person who occupies or keeps any lodging-house, beerhouse, public house, or other place where exciseable liquors are sold, or place of public entertainment or public resort, and knowingly lodges, entertains, or harbours thieves or reputed thieves, or knowingly permits or suffers them to meet or assemble therein, or allows the deposit of goods therein having reasonable cause for believing them to be stolen, shall be liable, on summary conviction, to a penalty not exceeding ten pounds, and the justices or magistrate before whom he is brought may, if they or he think fit, in addition to or in lieu of any penalty, require him to enter into recognizances, with or without sureties, for keeping the peace or being of good behaviour during twelve months:

(1.) Provided that no person shall be imprisoned for not finding sureties in pursuance of this section for a longer period than three months:

(2.) The security required from a surety shall not exceed twenty pounds:

And any licence for the sale of any exciseable liquors or for keeping any place of public entertainment or public resort which has been granted to the occupier or keeper of any such house or place as aforesaid shall be forfeited on his first conviction of an offence under this section, and on his second conviction for such an offence he shall be disqualified for a period of two years from receiving any such licence; moreover, where two convictions under this section have taken place within a period of two years in respect of the same premises, whether the persons convicted were or were not the same, the justices or magistrate may, if they or he so think fit, direct that for a term not exceeding one year from the date of the last of such convictions no such licence as aforesaid shall be granted to any person whatever in respect of such premises; and any licence granted in contravention of this section by the Excise or otherwise shall be void.

PART III.

Receivers of stolen Goods.

Burden of proof in cases of receiving stolen goods.

13. Where any person, who either before or after the passing of this Act has been previously convicted of any offence involving fraud or dishonesty and punishable by penal servitude or imprisonment, is found in the possession of stolen goods, he shall be deemed to have known the same to have been stolen until he has proved the contrary; and in any proceedings that may be taken against him as receiver of stolen goods, or otherwise in relation to his having been found in possession of such goods, proof may be given of his previous conviction before evidence is given of his having been found in possession of such stolen goods; provided that not less than seven days notice shall be given to such person that proof is intended to be given of his previous conviction, and that he will be deemed to have known such goods to have been stolen until he has proved the contrary.

Moreover, where proceedings are taken against any person for having in his possession stolen goods, evidence may be given that there were found in the possession of such person other goods stolen in two or more other robberies within the preceding period of twelve months, and such evidence may be taken into consideration for the purpose of proving that such person knew the goods to be stolen which form the subject of the proceedings taken against him.

PART IV.

Assaults on Police.

Assaults on police.

14. Where any person is convicted of an assault and battery on any constable or police or peace officer when in the execution of his duty, such person shall on summary conviction before two or more justices, or one stipendiary magistrate, be liable either to pay a penalty not exceeding twenty pounds, and in default of payment to be imprisoned for a term not exceeding six months, or, in the discretion of the court, to be imprisoned for any term not exceeding six months, with or without hard labour.

PART V.

General Provisions.

Previous convictions need not be charged in indictment.

15. In any indictment, information, or proceeding against any person evidence may be given of any previous conviction or convictions of such person, whether such previous conviction or convictions, or any of them, have or have not been charged in such indictment, information, or proceeding, and a previous conviction may, without the production of the record of the previous conviction, or any certified copy thereof, be proved by the evidence

A.D. 1869.

of any credible witness who was present at the time the prisoner was convicted, and can prove the prisoner's identity.

Power to remand.

16. Any person accused of an offence punishable on summary conviction under this Act may be remanded from time to time by the justices or magistrate before whom he is brought for the purpose of enabling evidence to be obtained against him, or for any other just cause.

Forms in schedule.

17. The forms set forth in the second schedule to this Act, or forms as near thereto as circumstances admit, may be used in all matters to which such forms refer, and when used shall be deemed to be valid and sufficient in law.

FIRST SCHEDULE.

Any felony, or the offence of uttering false or counterfeit coin, or the offence of obtaining goods or money by false pretences, or misdemeanour under the fifty-eighth section of the twenty-fourth and twenty-fifth Victoria, chapter ninety-six.

SECOND SCHEDULE.

To wit.

To a constable of the said county of and to the keeper of the prison at in the said county, and to the governor of the (*convict prison*).

WHEREAS *A.B.* was this day brought before me the undersigned, one of Her Majesty's justices of the peace in and for the said county of having been taken into custody by *C.D.* a constable of the said county under the provisions of "The Habitual Criminals Act, 1869," the said *A.B.* being the holder of a licence granted under the Penal Servitude Acts, 1853, 1857, and 1864, or some of them, and suspected of getting a livelihood by dishonest means, and the said *A.B.* the holder of the said licence having failed to make it appear to the satisfaction of me the said justice that he is not getting a livelihood by dishonest means, the said licence so held by the said *A.B.* is forfeited; I the said justice, in pursuance of the above first-recited Act, do commit the said *A.B.* to the prison, there to be detained until he can conveniently be removed to the (*convict prison*); and I the said justice do therefore require you the said constable to take the said *A.B.*, and him safely to convey to the prison aforesaid, and there to deliver him to the keeper thereof, together with this precept; and I do hereby command you the said keeper to receive into your custody the said *A.B.* in the said prison, and there safely keep him until he can conveniently be removed as aforesaid; and I do hereby require the said governor of the said (*convict prison*) to receive the said *A.B.*, and to detain him until he has undergone the term of penal servitude to which he is liable under the Penal Servitude Acts, 1853, 1857, and 1864, or some of such Acts.

Given under my hand and seal at in the said county, this day of in the year of our Lord one thousand eight hundred and .

A.D. 1869.

To a constable in the said county of
To wit. and to the keeper of the House of Correction
at in the said county.

WHEREAS *A.B.*, being a person subject by the provisions of "The Habitual Criminals Act, 1869," to the supervision of the police, has been taken into custody by *C.D.*, a constable, and brought this day before us the undersigned, two of Her Majesty's justices of the peace in and for the county of , and charged before us upon the oath of the said *C.D.*, taken before us in the presence and hearing of the said *A.B.* [with being suspected by the said *C.D.* of getting his livelihood by dishonest means] *or* [with being found by the said *C.D.* in , under such circumstances as to give rise to suspicion that the said *A.B.* was about to commit or aid in the commission of a crime punishable on summary conviction or indictment (that is to say,) *or* waiting for an opportunity to commit or aid in the commission of a crime punishable on summary conviction or indictment (that is to say,)] *or* [with being found by in or upon a dwelling-house, *or* building, *or* yard, *or* premises, being parcel of *or* attached to a dwelling house, *or* in or upon a shop, warehouse, counting-house, or other place of business, *or* in any garden, orchard, pleasure ground, or nursery ground, the said *A.B.* not being able satisfactorily to account for his being found on the said].

We, the said justices, do in pursuance of the above-recited Act convict the said *A.B.* of the said offence, and adjudge that the said *A.B.* for the said offence shall be imprisoned in the house of correction at in the said county, and there kept to hard labour for the space of . These are, therefore, to command you, the said constable, to take the said *A.B.* and him safely to convey to the house of correction aforesaid, and there to deliver him to the keeper thereof, together with this precept; and we do hereby command you, the said keeper of the said house of correction, to receive the said *A.B.* into your custody in the said house of correction, there to imprison him and keep him to hard labour for the space of .

Given under our hands and seals at in the said
county this day of in the year
of our Lord one thousand eight hundred and .

To wit.

To a constable of the said county of , and to the keeper of the House of Correction at , in the said county of .

Whereas *A.B.* has been this day brought before us, the undersigned, two of Her Majesty's justices of the peace in and for the county of , under the provisions of "The Habitual Criminals Act, 1869," and it has been duly proved upon oath before us that the said *A.B.* has been three times convicted of felony; and whereas he is charged before us upon the oath of *C.D.*, a constable, for that the said *A.B.* on the day of at the parish of in the said county of "was found by the said *C.D.* "in under such circumstances as to give "rise to suspicion that he was about to commit or to aid in "the commission of a crime punishable on summary conviction or "indictment, or was waiting for an opportunity to commit or aid "in the commission of a crime punishable on indictment or summary conviction;" *or*, ["was found by "in or upon any dwelling-house, *or* any building, *or* yard, *or* "premises, being parcel of *or* attached to such dwelling-house, *or* "in or upon any shop, warehouse, counting-house, or other place of "business, *or* in any garden, orchard, pleasure ground, or nursery "ground, without being able satisfactorily to account for his being "found on such premises,"] contrary to the Statute; now we the said justices do, in pursuance of the above-recited Act, convict the said *A.B.* of the said offence, and adjudge that the said *A.B.* for the said offence shall be imprisoned in the house of correction at in the said county, and there kept to hard labour for the space of .

These are therefore to command you, the said constable, to take the said *A.B.* and him safely to convey to the house of correction aforesaid, and there to deliver him to the keeper thereof, together with this precept; and we do command you, the said keeper of the said house of correction, to receive the said *A.B.* into your custody in the said house of correction, there to imprison him and keep him to hard labour for the space of .

Given under our hands and seals at this day of in the year of our Lord one thousand eight hundred and

A.D. 1869.

To wit.

To a constable of the said county of , and to the keeper of the House of Correction at in the said county of .

WHEREAS *A.B.* was on this day duly convicted before me the undersigned, one of Her Majesty's justices of the peace in and for the county of , having been brought before me by *C.D.*, a constable, under the provisions of "The Habitual Criminals Act, 1869," and charged upon the oath of the said *C.D.*, taken before me in the presence and hearing of the said *A.B.*, of being a rogue and vagabond within the intent and meaning of the Statutes made in the fifth year of the reign of His late Majesty King George the Fourth, intituled "An Act for the punishment of idle and disorderly persons and rogues and vagabonds in that part of Great "Britain called England," and "The Habitual Criminals Act, 1869," before mentioned, (that is to say,) for that the said *A.B.* on the day of in the year of our Lord one thousand eight hundred and , in the parish of , in the said county of ; [*here set out the circumstances under which the justice was of opinion that the said* A.B. *might reasonably be suspected to have intended to commit a felony*], contrary to the said Statutes. And it was thereby adjudged that the said *A.B.* for the said offence should be imprisoned at the house of correction at in the said county, and there kept to hard labour for the space of .

These are therefore to command you the said constable to take the said *A.B.*, and him safely to convey to the house of correction aforesaid, and there to deliver him to the keeper thereof, together with this precept; and I do command you, the said keeper of the said house of correction, to receive the said *A.B.* into your custody in the said house of correction, there to imprison him and keep him to hard labour for the space of .

Given under my hand and seal at this day of in the year of our Lord one thousand eight hundred and .

Habitual Criminals.
[H.L.]

A

B I L L

INTITULED

An Act for the more effectual
Prevention of Crime.

(*Brought from the Lords* 12 *April* 1869.)

Ordered, by The House of Commons, *to be Printed,*
12 *April* 1869.

[Bill 73.]

Under 2 oz.

Habitual Criminals Bill.

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

MR. BRUCE.

Page 2.

Lines 2 and 3, omit (“a justice of the peace or other com-
“ petent magistrate”) and insert (“two or more justices
“ of the peace or a stipendiary magistrate”)

Line 5, omit (“justice”) and insert (“justices”)

Line 8, omit (“justice”) and insert (“justices”)

Line 9, before (“his”) insert (“their or”)

Clause 6, Lines 25 and 26, omit from (“convicts”) to (“them”) in line 27, both inclusive, and insert (“criminals”)

Line 27, omit (“of the holders of such licences”) and insert (“of all persons convicted of crime”)

Line 30, after (“form”) insert (“with such evi-
“ dences of identity”)

Line 33, insert at end of section (“all expenses in-
“ curred with the sanction of the Commissioners of the
“ Treasury in keeping such register shall be paid out of
“ monies provided by Parliament”)

Clause 7, Line 35, omit (“the holders of such licences”) and
“ insert (“criminals”)

Line 41, after (“such”) insert (“evidences of identity
“ and other”)

Lines 41 and 42, omit (“the holders of licences”) and insert (“persons convicted of crime”)

Page 2.

Clause 7, Line 42, add as a separate paragraph:

All expenses incurred in any place in carrying this section into effect with the sanction of the authority authorized to allow charges on the funds for the maintenance of the police in that place shall be deemed to be part of the expenses of such police and be defrayed accordingly.

Page 3.

Lines 1 to 7, omit all the words printed in red ink.

Clause 9, Lines 14 and 15, omit (" and a less punishment " than penal servitude is awarded to him ")

Line 16, omit (" such offence ") and insert (" any " offence specified in the said schedule ")

Page 4.

Line 23, after (" conviction ") insert (" and exclusive of the " time during which he is undergoing his punishment ")

Clause 9, line 25, add as a separate paragraph at end of clause:

A convict who has been sentenced to penal servitude shall not, during the time when he is at large under a licence granted under the said penal servitude acts, or any of them, be deemed, for the purposes of this section, to be undergoing his punishment.

Clause 10, Line 27, omit (" not punishable with death ")

Line 28, omit (" such ") and insert after (" offence ") " (" specified in the said schedule ")

Line 32, after (" shall ") insert (" whether convicted on summary conviction or on indictment ")

Page 6.

Clause 12, Line 7, omit (" entertains ")

Page 7.

Omit clause 15.

Page 9.

Line 1. after (" felony ") omit (" or ") and insert (" not " punishable with death, also ")

Habitual Criminals Bill.

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

MR. BRUCE.

3d *August* 1869.

[Bill 73 *a.*]

Under 1 *oz.*

Habitual Criminals Bill. [H.L.]

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Preliminary.

Clause.
1. Short title.
2. Definitions.

PART I.

Convicts at large on Licence.

3. Power to apprehend holders of licence on suspicion.
4. Penalty for breach of conditions of licence.

PART II.

Registration of Criminals.

5. Register of holders of licences.
6. Returns for purposes of register.
7. Part of Act to be construed with Penal Servitude Acts.

PART III.

Habitual Criminals.

8. Person twice guilty of felony and not punished with penal servitude to be subject to the supervision of the police.
9. Person thrice convicted of felony to be liable to be taken up if found under suspicious circumstances.
10. Amendment of sect. 4. of the Vagrant Act.
11. Penalty for harbouring thieves, &c.

PART IV.

Receivers of stolen Goods.

12. Burden of proof in cases of receiving stolen goods.

PART V.

Assaults on Police.

Clause.
13. Assaults on police.
14. Power to remand.
15. Forms in schedule.
16. Constabulary station to include police stations in Dublin.
17. Penalty on dealers in old metals.
SCHEDULES.

A

BILL

[AS AMENDED IN COMMITTEE]

INTITULED

An Act for the more effectual Prevention of Crime.

A.D. 1869.

WHEREAS it is expedient to make further provision for the suppression of crimes committed by convicts at large on licence or by other suspected persons:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title.

1. This Act may be cited as "The Habitual Criminals Act, 1869."

Definition of "court;" "Chief officer of police."

2. In this Act the term "court" includes any justice or justices of the peace or other person or persons having jurisdiction in the matter to which the term refers. "Chief officer of police" shall mean within the district of the London metropolitan police force the commissioner of police, or an assistant commissioner, or a district superintendent; in the City of London the commissioner of police; within the police district of Dublin metropolis any one of the commissioners of police for the said district; and elsewhere shall include any of the following persons,—in England, any chief constable, head constable, or other chief officer of police or of a division of police, by whatever name such chief officer may be called; and in Ireland, any inspector, sub-inspector, head or other constable of the Royal Irish constabulary acting as chief officer of constabulary within any district or town. Where in any of the provisions of this Act the expression "stipendiary magistrate" is used, such provisions shall be interpreted in Scotland as if the expression "sheriff or sheriff substitute" had been used.

A.D. 1869.

PART I.

Convicts at large on Licence.

Power to apprehend holders of licence on suspicion.

3. Any constable or police officer may, if authorized so to do in writing by a chief officer of police, without warrant, take into custody any convict who is the holder of a licence granted under The Penal Servitude Acts, 1853, 1857, and 1864, or any of them, and whom he has reason to believe to be getting a livelihood by dishonest means, and may bring him before two or more justices of the peace or a stipendiary magistrate.

If it shall appear from the facts proved before such justices or magistrate that there are reasonable grounds for such belief, his licence shall be forfeited in the same manner as if he had been convicted of an indictable offence, and the justices or magistrate before whom he is brought shall commit him to any prison within their or his jurisdiction, there to remain until he can conveniently be removed to some prison in which convicts under sentence of penal servitude may lawfully be confined, in order that he may there undergo the term of penal servitude to which he is liable under the said Penal Servitude Acts or some of them.

Penalty for breach of conditions of licence.

4. Where in any licence granted under the said Penal Servitude Acts, or any of them, any conditions different from or in addition to those contained in Schedule (A.) of the Penal Servitude Act, 1864, are inserted, the holder of such licence shall, on a breach of such conditions, be deemed guilty of an offence, in the same manner as if such conditions were contained in the said Schedule (A.)

There shall be repealed so much of the fourth section of the Penal Servitude Act, 1864, as requires the holder of a licence to report himself personally once in each month.

PART II.

Registration of Criminals.

Register of holders of licences.

5. For the better supervision of criminals a register of all persons convicted of crime in England shall be kept in London, under the management of the Commissioner of Police for the metropolis, or of such other person as one of Her Majesty's Principal Secretaries of State may appoint, and in Dublin a like register shall be kept, under the management of the commissioners of police for the police district of Dublin metropolis, or of such other person as the Lord Lieutenant or other chief governor or governors of Ireland may appoint, in such form, with such evidences of identity, and containing such particulars, and subject to such regulations as may from time to time be prescribed by one of Her Majesty's Principal Secretaries of State in England or in Ireland by the Lord Lieutenant. All expenses incurred with the sanction of the Commissioners of the Treasury in keeping such register shall be paid out of monies provided by Parliament.

Returns for purposes of register.

6. In order to make such register complete, and to make the supervision over criminals effectual, the gaolers or governors of county and borough prisons, and the chief officers of police in every county, borough, and other place in the United Kingdom which maintains a separate police, shall from time to time make returns, if such prison, county, borough, or other place be in Great Britain, to one of Her Majesty's Principal Secretaries of State, and if the same be situate in Ireland to the Lord Lieutenant or other chief governor or governors of Ireland, or to such person as they may respectively appoint, in such manner, and at such time, and containing such evidences of identity and other information with respect to persons convicted of crime, as they may from time to time respectively direct. All expenses incurred in any place in carrying this section into effect with the sanction of the authority authorized to allow charges on the funds for the maintenance of the police in that place, shall be deemed to be part of the expenses of such police, and be defrayed accordingly.

Part of Act to be construed with Penal Servitude Acts.

7. This part of this Act, so far as is consistent with the tenor thereof, shall be construed as one with the said Penal Servitude Acts.

Part III.

Habitual Criminals.

Person twice guilty of felony and not punished with penal servitude to be subject to the supervision of the police.

8. Where any person is convicted of any offence specified in the first schedule hereto, and he be proved to have been once previously convicted of any offence specified in the said schedule, either before or after the passing of this Act, then, in addition to any other punishment which may be awarded to him, it shall be deemed to be part of the sentence passed on him, unless otherwise declared by the court, that he is to be subject to the supervision of the police as herein-after mentioned for a period of seven years, or such less period as the court shall direct, commencing from the time at which he is convicted, and exclusive of the time during which he is undergoing his punishment.

Where any person is subject, in pursuance of this Act, to the supervision of the police, he shall be guilty of an offence punish-

A.D. 1869.

able (on summary conviction before two or more justices or a stipendiary magistrate) with imprisonment, with or without hard labour, for a term not exceeding one year, under the following circumstances, or any of them:

First. If, on his being charged by a constable or police officer with getting his livelihood by dishonest means, he fails to make it appear to the justices or magistrate before whom he is brought that he is not getting his livelihood by dishonest means:

Secondly. If he is found by any constable or police officer in any place, whether public or private, under such circumstances as to satisfy the justices or magistrate before whom he is brought that he was about to commit or to aid in the commission of any crime punishable on summary conviction or indictment, or was waiting for an opportunity to commit or aid in the commission of any such crime:

Thirdly. If he is found by any person in or upon any dwelling house, or any building, yard, or premises, being parcel of or attached to such dwelling house, or in or upon any shop, warehouse, counting-house, or other place of business, or in any garden, orchard, pleasure ground, or nursery ground, without being able to account to the satisfaction of the justices or magistrate before whom he is brought for his being found on such premises:

And when a constable or police officer is prepared to charge him as aforesaid, or he is found as aforesaid, he may be taken into custody by any constable or police officer without warrant, or may, if found by any person under the circumstances thirdly hereinbefore mentioned, or any of them, be apprehended by the owner or occupier of the property on which he is found, or by the servants of the owner or occupier, or by any other person authorized by the owner or occupier, and may be detained until he can be delivered into the custody of a constable or police officer for the purpose of being brought before the justices or magistrate; provided that no person shall be so taken into custody on the ground that he is suspected of getting his livelihood by dishonest means except under a written authority from a chief officer of police.

When a person is convicted under this section of an offence which subjects him to the supervision of the police, the record of his conviction shall contain a statement to the effect that he is subject to the supervision of the police in pursuance of this Act for a period of seven years commencing from the date of his conviction, and exclusive of the time during which he is undergoing his punishment, or words to the like purport, but the omission of any such statement shall not exempt any person from the operation of this section.

A convict who has been sentenced to penal servitude shall not during the time when he is at large under a licence granted under the said Penal Servitude Acts, or any of them, be deemed for the purposes of this section to be undergoing his punishment.

Person thrice convicted of felony to be liable to be taken up if found under suspicious circumstances.

9. Any person who is proved to have been thrice convicted of any offence specified in the first schedule hereto, either before or after the passing of this Act, shall, at any time after the expiration of the sentence passed on him for such offence as aforesaid, be deemed guilty of an offence punishable (on summary conviction before two or more justices or a stipendiary magistrate) with imprisonment, with or without hard labour, for a period not exceeding one year if found under the circumstances following, or any of them; (that is to say,)

First. If found by any constable or police officer in any place, whether public or private, under such circumstances as to satisfy the justices or magistrate before whom he is brought that he is about to commit or to aid in the commission of any crime punishable on summary conviction or indictment, or is waiting for an opportunity to commit or aid in the commission of any such crime:

Secondly. If found by any person in or upon any dwelling house, or any building, yard, or premises, being parcel of or attached to such dwelling house, or in or upon any shop, warehouse, counting-house, or other place of business, or in any garden, orchard, pleasure ground, or nursery ground, without being able to account to the satisfaction of the justices or magistrate before whom he is brought for his being found on such premises:

And when so found as aforesaid he may be taken into custody by any constable or police officer, without warrant, for the purpose of being brought before the justices or magistrate, or may, if found by any person under the circumstances secondly in this section mentioned, or any of them, be apprehended by the owner or occupier of the property on which he is found, or by the servants of the owner or occupier, or by any other person authorized by the owner or occupier, and may be detained until he can be delivered into the custody of a constable or police officer for the purpose of being brought before the justices or magistrate.

Amendment of sect. 4 of the Vagrant Act, 5 G. 4. c. 83.

10. And whereas by the fourth section of the Act passed in the fifth year of the reign of King George the Fourth, chapter eighty-three, intituled " An Act for the punishment of idle and disorderly

A.D. 1869.

"persons, and rogues and vagabonds, in that part of Great "Britain called England," it is amongst other things provided that every suspected person or reputed thief frequenting any river, canal, or navigable stream, dock, or basin, or any quay, wharf, or warehouse near or adjoining thereto, or any street, highway, or avenue leading thereto, or any place of public resort or any avenue leading thereto, or any street, highway, or place adjacent, with intent to commit felony, shall be deemed a rogue and vagabond, and may be apprehended and committed to prison with hard labour for any time not exceeding three calendar months: And whereas doubts are entertained as to the nature of the evidence required to prove for the purposes of the said section the intent to commit a felony: Be it enacted, that in proving such intent it shall not be necessary to show that the person suspected was guilty of any particular act or acts tending to show his purpose or intent, and he may be convicted if from the circumstances of the case, and from his known character as proved to the justices or magistrate, it appears to such justices or magistrate that his intent was to commit a felony.

Penalty for harbouring thieves, &c. 25 & 26 Vict. c. 101. s. 337.

11. Every person who occupies or keeps any lodging-house, beerhouse, public house, or other place where exciseable liquors are sold, or place of public entertainment or public resort, and knowingly lodges or harbours thieves or reputed thieves, or knowingly permits or suffers them to meet or assemble therein, or allows the deposit of goods therein having reasonable cause for believing them to be stolen, shall be liable, on summary conviction, to a penalty not exceeding ten pounds, and the justices or magistrate before whom he is brought may, if they or he think fit, in addition to or in lieu of any penalty, require him to enter into recognizances, with or without sureties, for keeping the peace or being of good behaviour during twelve months:

(1.) Provided that no person shall be imprisoned for not finding sureties in pursuance of this section for a longer period than three months:

(2.) The security required from a surety shall not exceed twenty pounds:

And any licence for the sale of any exciseable liquors or for keeping any place of public entertainment or public resort which has been granted to the occupier or keeper of any such house or place as aforesaid shall be forfeited on his first conviction of an offence under this section, and on his second conviction for such an offence he shall be disqualified for a period of two years from receiving any such licence; moreover, where two convictions under this section have taken place within a period of two years in respect of the same premises, whether the persons convicted were or were not the same, the justices or magistrate may, if they or he so think fit, direct that for a term not exceeding one year from the date of the last of such convictions no such licence as aforesaid shall be granted to any person whatever in respect of such premises; and any licence granted in contravention of this section by the Excise or otherwise shall be void.

PART IV.

Receivers of stolen Goods.

Burden of proof in cases of receiving stolen goods.

12. Where any person, who either before or after the passing of this Act has been previously convicted of any offence specified in the first schedule hereto and involving fraud or dishonesty is found in the possession of stolen goods, evidence of such previous conviction shall be admissible as evidence of his knowledge that such goods have been stolen, and he shall be deemed to have known the same to have been stolen until he has proved the contrary; and in any proceedings that may be taken against him as receiver of stolen goods, or otherwise in relation to his having been found in possession of such goods, proof may be given of his previous conviction before evidence is given of his having been found in possession of such stolen goods; provided that not less than seven days notice shall be given to such person that proof is intended to be given of his previous conviction, and that he will be deemed to have known such goods to have been stolen until he has proved the contrary.

Moreover, where proceedings are taken against any person for having in his possession stolen goods, evidence may be given that there were found in the possession of such person other goods stolen within the preceding period of twelve months, and such evidence may be taken into consideration for the purpose of proving that such person knew the goods to be stolen which form the subject of the proceedings taken against him.

Any constable or police officer may, if authorized so to do in writing by a chief officer of police, enter any house, shop, warehouse, yard, or other premises in search of stolen goods, and make such search and seize and secure any property he may believe to have been stolen, in such manner as he would be authorized to do if he had a search warrant, and the property seized, if any, corresponded to the property described in such search warrant: Provided, that in every case in which any property is seized, the person on whose premises it was at the time of seizure, or the person from whom it was taken if other than the person on whose premises it was, shall, unless previously charged with receiving the same knowing it to have been stolen, be summoned within three days before a justice of the peace or other competent magistrate to account for his possession of such property, and such justice or other magistrate shall make such order respecting the disposal of such property as the justice of the case may require; and it shall be lawful for any chief officer of police to give such authority as aforesaid in the following cases:—

First. When such premises are at, or have been within eighteen months of, the time of such search in the occupation of any person who has been convicted of receiving stolen property or of harbouring thieves:

Second. When such premises are at the time of such search in the occupation of any person who has been convicted of any offence involving fraud or dishonesty, and punishable by penal servitude or imprisonment:

And it shall not be necessary for such chief officer of police in giving such authority to specify any particular property, but he may give such authority if he has reason to believe generally that such premises are being made a receptacle for stolen goods.

Part V.

Assaults on Police.

Assaults on police.

13. Where any person is convicted of an assault and battery on any constable or police or peace officer when in the execution of his duty, such person shall on summary conviction before two or more justices, or one stipendiary magistrate, be liable either to pay a penalty not exceeding twenty pounds, and in default of payment to be imprisoned for a term not exceeding six months, or, in the discretion of the court, to be imprisoned for any term not exceeding six months, with or without hard labour.

Power to remand.

14. Any person accused of an offence punishable on summary conviction under this Act may be remanded from time to time by the justices or magistrate before whom he is brought for the purpose of enabling evidence to be obtained against him, or for any other just cause.

Forms in schedule.

15. The forms set forth in the second schedule to this Act, or forms as near thereto as circumstances admit, may be used in all matters to which such forms refer, and when used shall be deemed to be valid and sufficient in law.

Constabulary station to include police stations in Dublin.

16. The term "constabulary station" in section four of "The "Penal Servitude Act, 1864," shall include any police station within the police district of Dublin metropolis.

Penalty on dealer in old metals.

17. Any dealer in old metals as defined in the Old Metal Dealers Act, 1861, who shall either personally or by any servant or agent, purchase, receive, or bargain for lead, whether new or old, in any quantity at one time of less weight than one hundred and twelve pounds, or who shall personally or by any servant or agent purchase, receive, or bargain for copper, whether new or old, in any quantity at one time of less weight than fifty-six pounds, shall be liable to a penalty of five pounds, to be recovered in the same manner as penalties incurred under the said recited Act are therein directed to be recovered.

A.D. 1869.

FIRST SCHEDULE.

Any felony not punishable with death also or the offence of uttering false or counterfeit coin or of possessing counterfeit gold or silver coin, or the offence of obtaining goods or money by false pretences, or the offence of conspiracy to defraud, or misdemeanour under the fifty-eighth section of the twenty-fourth and twenty-fifth Victoria, chapter ninety-six.

SECOND SCHEDULE.

To wit.
To a constable of the said county of
and to the keeper of the prison
at in the said county, and to the governor
of the (*convict prison*).

Whereas *A.B.* was this day brought before me the undersigned, one of Her Majesty's justices of the peace in and for the said county of having been taken into custody by *C.D.* a constable of the said county under the provisions of "The Habitual Criminals Act, 1869," the said *A.B.* being the holder of a licence granted under the Penal Servitude Acts, 1853, 1857, and 1864, or some of them, and suspected of getting a livelihood by dishonest means, and the said *A.B.* the holder of the said licence having failed to make it appear to the satisfaction of me the said justice that he is not getting a livelihood by dishonest means, the said licence so held by the said *A.B.* is forfeited; I the said justice, in pursuance of the above first-recited Act, do commit the said *A.B.* to the prison, there to be detained until he can conveniently be removed to the (*convict prison*); and I the said justice do therefore require you the said constable to take the said *A.B.*, and him safely to convey to the prison aforesaid, and there to deliver him to the keeper thereof, together with this precept; and I do hereby command you the said keeper to receive into your custody the said *A.B.* in the said prison, and there safely keep him until he can conveniently be removed as aforesaid; and I do hereby require the said governor of the said (*convict prison*) to receive the said *A.B.*, and to detain him until he has undergone the term of penal servitude to which he is liable under the Penal Servitude Acts, 1853, 1857, and 1864, or some of such Acts.

Given under my hand and seal at in the said
county, this day of in the year
of our Lord one thousand eight hundred and .

To a constable in the said county of
To wit. and to the keeper of the House of Correction
at in the said county.

Whereas *A.B.*, being a person subject by the provisions of "The Habitual Criminals Act, 1869," to the supervision of the police, has been taken into custody by *C.D.*, a constable, and brought this day before us the undersigned, two of Her Majesty's justices of the peace in and for the county of , and charged before us upon the oath of the said *C.D.*, taken before us in the presence and hearing of the said *A.B.* [with being suspected by the said *C.D.* of getting his livelihood by dishonest means] *or* [with being found by the said *C.D.* in , under such circumstances as to give rise to suspicion that the said *A.B.* was about to commit or aid in the commission of a crime punishable on summary conviction or indictment (that is to say,) *or* waiting for an opportunity to commit or aid in the commission of a crime punishable on summary conviction or indictment (that is to say,)] *or* [with being found by in or upon a dwelling-house, *or* building, *or* yard, *or* premises, being parcel of *or* attached to a dwelling house, *or* in or upon a shop, warehouse, counting-house, or other place of business, *or* in any garden, orchard, pleasure ground, or nursery ground, the said *A.B.* not being able satisfactorily to account for his being found on the said].

We, the said justices, do in pursuance of the above-recited Act convict the said *A.B.* of the said offence, and adjudge that the said *A.B.* for the said offence shall be imprisoned in the house of correction at in the said county, and there kept to hard labour for the space of . These are, therefore, to command you, the said constable, to take the said *A.B.* and him safely to convey to the house of correction aforesaid, and there to deliver him to the keeper thereof, together with this precept; and we do hereby command you, the said keeper of the said house of correction, to receive the said *A.B.* into your custody in the said house of correction, there to imprison him and keep him to hard labour for the space of .

Given under our hands and seals at in the said county this day of in the year of our Lord one thousand eight hundred and .

A.D. 1869.

To wit.

To a constable of the said county of , and to the keeper of the House of Correction at , in the said county of .

WHEREAS *A.B.* has been this day brought before us, the undersigned, two of Her Majesty's justices of the peace in and for the county of , under the provisions of "The Habitual Criminals Act, 1869," and it has been duly proved upon oath before us that the said *A.B.* has been three times convicted of felony; and whereas he is charged before us upon the oath of *C.D.*, a constable, for that the said *A.B.* on the day of at the parish of in the said county of "was found by the said *C.D.* "in under such circumstances as to give "rise to suspicion that he was about to commit or to aid in "the commission of a crime punishable on summary conviction or "indictment, or was waiting for an opportunity to commit or aid "in the commission of a crime punishable on indictment or summary conviction;" *or*, ["was found by "in or upon any dwelling-house, *or* any building, *or* yard, *or* "premises, being parcel of *or* attached to such dwelling-house, *or* "in or upon any shop, warehouse, counting-house, or other place of "business, *or* in any garden, orchard, pleasure ground, or nursery "ground, without being able satisfactorily to account for his being "found on such premises,"] contrary to the Statute; now we the said justices do, in pursuance of the above-recited Act, convict the said *A.B.* of the said offence, and adjudge that the said *A.B.* for the said offence shall be imprisoned in the house of correction at in the said county, and there kept to hard labour for the space of .

These are therefore to command you, the said constable, to take the said *A.B.* and him safely to convey to the house of correction aforesaid, and there to deliver him to the keeper thereof, together with this precept; and we do command you, the said keeper of the said house of correction, to receive the said *A.B.* into your custody in the said house of correction, there to imprison him and keep him to hard labour for the space of .

Given under our hands and seals at this day of in the year of our Lord one thousand eight hundred and

To wit.

To a constable of the said county of , and to the keeper of the House of Correction at in the said county of .

Whereas *A.B.* was on this day duly convicted before me the undersigned, one of Her Majesty's justices of the peace in and for the county of , having been brought before me by *C.D.*, a constable, under the provisions of "The Habitual Criminals Act, 1869," and charged upon the oath of the said *C.D.*, taken before me in the presence and hearing of the said *A.B.*, of being a rogue and vagabond within the intent and meaning of the Statutes made in the fifth year of the reign of His late Majesty King George the Fourth, intituled "An Act for the punishment of idle and disorderly persons and rogues and vagabonds in that part of Great "Britain called England," and "The Habitual Criminals Act, 1869," before mentioned, (that is to say,) for that the said *A.B.* on the day of in the year of our Lord one thousand eight hundred and , in the parish of , in the said county of , [*here set out the circumstances under which the justice was of opinion that the said* A.B. *might reasonably be suspected to have intended to commit a felony*], contrary to the said Statutes. And it was thereby adjudged that the said *A.B.* for the said offence should be imprisoned at the house of correction at in the said county, and there kept to hard labour for the space of .

These are therefore to command you the said constable to take the said *A.B.*, and him safely to convey to the house of correction aforesaid, and there to deliver him to the keeper thereof, together with this precept; and I do command you, the said keeper of the said house of correction, to receive the said *A.B.* into your custody in the said house of correction, there to imprison him and keep him to hard labour for the space of .

Given under my hand and seal at this day of in the year of our Lord one thousand eight hundred and .

Habitual Criminals.
[H.L.]

A

BILL

[AS AMENDED IN COMMITTEE]

INTITULED

An Act for the more effectual Prevention of Crime.

(*Brought from the Lords* 12 *April* 1869.)

Ordered, by The House of Commons, *to be Printed*,
5 *August* 1869.

[Bill 264.]

Under 2 oz.

Hackney and Stage Carriages Law Amendment Bill.

ARRANGEMENT OF CLAUSES.

Clauses.
1. Short title of Act.
2. Limits of Act.
3. Commencement of Act.
4. Definition of stage carriage and hackney carriage.
5. Exemption of certain stage carriages from operations of Act. Meaning of "prescribed."

Licensing hackney carriages.

6. Grant of hackney carriage licences.
7. Penalty on use of unlicensed carriage.

Licensing drivers of hackney carriages, &c.

8. Hackney carriage to be driven by licensed drivers.

Regulations relating to hackney carriages.

9. Regulations as to hackney carriages.
10. Penalties for breach of regulations.
11. Licences by whom to be granted.
12. Powers to carry Act into execution.

Legal proceedings and miscellaneous.

13. Recovery of penalties.
14. Penalties if not paid by driver to be levied on owner.
15. Placard, &c. may be affixed to lamp post.
16. Existing Acts to continue in force.

A

B I L L

FOR

Amending the law relating to Hackney and Stage Carriages within the Metropolitan Police District.

A.D. 1869.

WHEREAS it is expedient to amend the law relating to hackney and stage carriages within the metropolitan police district:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Metropolitan Public Carriage Act, 1869."

Limits of Act.

2. The limits of this Act shall be the metropolitan police district, and the city of London and the liberties thereof.

Commencement of Act.

3. This Act shall not come into operation till the first of *January one thousand eight hundred and seventy.*

Definition of stage carriage and hackney carriage.

4. In this Act "stage carriage" shall mean any carriage for the conveyance of passengers which plies for hire in any public street, road, or place within the limits of this Act, and in which the passengers or any of them are charged to pay separate and distinct or at the rate of separate and distinct fares for their respective places or seats therein.

"Hackney carriage" shall mean any carriage for the conveyance of passengers which plies for hire within the limits of this Act, and is not a stage carriage.

Meaning of "prescribed."

"Prescribed" shall mean "prescribed by order of one of Her Majesty's Principal Secretaries of State."

Exemption of certain carriages from operations of Act.

5. A "stage carriage" which on every journey goes to or comes from some town or place beyond the limits of thie Act shall not be deemed to be a carriage plying within the limits of this Act.

A.D. 1869.

Licensing Hackney and Stage Carriages.

Grant of hackney carriage licences.

6. One of Her Majesty's Principal Secretaries of State may from time to time license to ply for hire within the limits of this Act such number of hackney and stage carriages, of such description, and to be distinguished in such manner, as he may by order prescribe.

Any licence in respect of a hackney or stage carriage under this section may be granted at such price, on such conditions, be in such form, be subject to revision or suspension in such events, and generally be dealt with in such manner as the said Secretary of State may by order prescribe, subject as follows:—

(1.) That a hackney or stage carriage licence shall, if not revoked or suspended, be in force for one year, and there shall be paid in respect thereof to the receiver of the metropolitan police, to be carried to the account of the metropolitan police fund, such sum, in the case of a hackney carriage, not exceeding *two pounds two shillings*, and in the case of a stage carriage, not exceeding *three pounds three shillings*, as the said Secretary of State may prescribe:

(2.) That in any such order provision shall be made for the transfer of a hackney or stage carriage licence to the widow or to any child of full age of any person to whom a hackney or stage carriage licence has been granted who may die during the continuance of such licence leaving a widow or child of full age, and also for the transfer of a hackney or stage carriage licence to the husband of any woman to whom such licence has been granted and who marries during the continuance thereof.

Penalty on use of unlicensed carriage.

7. If any unlicensed hackney or stage carriage plies for hire, the owner of such carriage shall be liable to a penalty not exceeding *five pounds* for every day during which such unlicensed carriage plies. And if any unlicensed hackney carriage is found on any stand within the limits of this Act, the owner of such carriage shall be liable to a penalty not exceeding *five pounds* for each time it is so found. The driver also shall in every such case be liable to a like penalty unless he proves that he was ignorant of the fact of the carriage being an unlicensed carriage.

Any hackney or stage carriage plying for hire, and any hackney carriage found on any stand without having such distinguishing mark, or being otherwise distinguished in such manner as may for the time being be prescribed by the said Secretary of State, shall be deemed to be an unlicensed carriage.

Licensing Drivers of Hackney and Stage Carriages.

Hackney carriage to be driven by licensed drivers.

8. No hackney or stage carriage shall ply for hire within the limits of this Act unless under the charge of a driver having a license from the said Secretary of State. If any hackney or stage carriage plies for hire in contravention of this section, the person driving the same, and also the owner of such carriage, unless he proves that the driver acted without his privity or consent, shall respectively be liable to a penalty not exceeding *forty shillings.*

A licence to the driver of a hackney or stage carriage may be granted at such price, on such conditions, be in such form, be subject to revocation or suspension in such events, and generally be dealt with in such manner as the said Secretary of State may by order prescribe, subject to this provision, that a licence to a driver of a hackney or stage carriage shall, if not revoked or suspended, be in force for one year, and there shall be paid in respect thereof to the Receiver of the Metropolitan Police, to be carried to the account of the Metropolitan Police Fund, such sum not exceeding *five shillings* as the said Secretary of State may prescribe.

Regulations relating to Hackney and Stage Carriages.

Regulations as to hackney and stage carriages.

9. The said Secretary of State may from time to time by order make regulations for all or any of the following purposes; that is to say,

(1.) For regulating the number of persons to be carried in any hackney or stage carriage, and in what manner such number is to be shown on such carriage, and how such hackney carriages are to be furnished or fitted:

(2.) For fixing the stands of hackney carriages, and the distances to which they may be compelled to take passengers, and the persons to attend at such stands:

(3.) For fixing the rates or fares, as well for time as distance, to be paid for hackney carriages, and for securing the due publication of such fares; provided that it shall not be made compulsory on the driver of any hackney carriage to take passengers at a less fare than the fare payable at the time of the passing of this Act:

(4.) For forming, in the case of hackney carriages, a table of distances, as evidence for the purpose of any fare to be charged by distance, by the preparation of a book, map, or plan, or any combination of a book, map, or plan:

(5.) For securing the safe custody and re-delivery of any property accidentally left in hackney or stage carriages and fixing the charges to be paid in respect thereof, with power to cause such property to be sold or to be given to the finder in the event of its not being claimed within a certain time:

Subject to the following restrictions:—

(1.) In fixing the stands for hackney carriages within the city of London and the liberties thereof the consent of the Court of the Lord Mayor and Aldermen shall be required to any stand appointed by the Secretary of State:

(2.) No hackney carriage shall be compelled to take any passenger beyond the limits of this Act, or a greater distance for any one drive than *six miles*:

(3.) During such portion of time between sunset and sunrise as is from time to time prescribed, no driver shall ply for hire unless the hackney carriage under his charge be provided with a lamp properly trimmed and lighted, and fixed outside the carriage in such manner as is prescribed.

Penalties for breach of regulations.

10. Where the Secretary of State is authorized to make any order under this Act, he may annex a penalty not exceeding five pounds for the breach of such order or of any part or parts thereof, or of any regulation or regulations thereby made; and any penalties under this section shall be deemed to be penalties under this Act, and may be enforced accordingly.

Licences by whom to be granted.

11. Any licence grantable by a Secretary of State under this Act may, if the said Secretary of State so direct, be granted by the Commissioner of the Metropolitan Police, or by such other person as the said Secretary of State appoints for the purpose.

Powers to carry Act into execution.

12. The said Secretary of State may appoint such officers and constables of the metropolitan police force as he thinks fit to perform any duties required to be performed for the purposes of carrying this Act into execution, and may award such sums by way of compensation for their services out of the monies raised under this Act as he may think just.

Legal Proceedings and Miscellaneous.

Recovery of penalties.

13. All penalties under this Act may be recovered summarily in the manner directed by the Act of the session of the eleventh and twelfth years of Her present Majesty, chapter forty-three, and any Act amending the same; and the term "justice" or "justice of the peace" shall include any metropolitan police magistrate sitting alone at a police court or other appointed place, and the Lord Mayor of the city of London or any alderman of the said city sitting alone or with others at the Mansion House or Guildhall.

Penalties if not paid by driver to be levied on owner.

14. All penalties and costs incurred by reason of any offence committed by the driver of any hackney or stage carriage against the provisions of this Act shall, unless such driver pay the same, be recovered in a summary manner from the owner of such carriage, but it shall be lawful for such owner to recover any penalties or costs which he may be required to pay in pursuance of this section in a summary manner from the driver primarily liable to pay the same.

Placard, &c. may be affixed to lamp post.

15. The Commissioner of the metropolitan police may cause to be attached to any lamp post any placard or signal for the purpose of carrying into effect the provisions of this Act.

Existing Acts to continue in force.

16. All the provisions of the Acts relating to hackney carriages and metropolitan stage carriages in force at the time of the commencement of this Act shall, subject to any alteration made therein by this Act or by any order or regulation of the said Secretary of State made in pursuance of this Act, continue in force, and all such provisions of the said Acts as relate to licences granted under those Acts, or any of them, shall, subject to any alteration as aforesaid, apply to licences granted under this Act.

Hackney and Stage Carriages Law Amendment.

A

B I L L

For amending the Law relating to Hackney and Stage Carriages within the Metropolitan Police District.

(Prepared and brought in by
Mr. Secretary Bruce and Mr. Knatchbull-Hugessen.)

Ordered, by The House of Commons, *to be Printed,*
20 *July* 1869.

[Bill 227.]

Under 1 *oz.*

A
BILL
FOR

Empowering the Public Works Loan Commissioners to advance a sum not exceeding two hundred and fifty thousand pounds for the improvement of the Harbour of Galle in the colony of Ceylon.

A.D. 1869.

WHEREAS it is expedient to empower the Public Works Loan Commissioners, as defined for the purposes of the Public Works Loan Act, 1853, to advance to the government of the colony of Ceylon a sum not exceeding two hundred and fifty thousand pounds for the improvement of the harbour of Galle in the said colony:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title of Act.

1. This Act may be cited for all purposes as "The Harbour of Galle Loan Act, 1869."

Power of commissioners to advance money for improving harbour.

2. Subject as herein-after mentioned, the said Public Works Loan Commissioners are hereby empowered, out of any monies for the time being at their disposal for the purpose of harbours, to advance from time to time to the government of the colony of Ceylon, on the security of the general revenue of the colony of Ceylon, without any further security, a sum or sums not exceeding in the whole *two hundred and fifty thousand pounds*, to be applied by the said government in improving and fortifying the said harbour of Galle.

Interest on advance, and time of repayment.

3. Any monies from time to time advanced in pursuance of this Act shall bear interest at the rate of *three and a half* in the hundred by the year, and the principal so advanced, together with the interest thereon, shall be repaid by thirty-five equal annual instalments.

A.D. 1869.

Conditions of advance.

4. No monies shall be advanced in pursuance of this Act until the governor and legislative council of the colony of Ceylon have made an ordinance providing as follows; that is to say,

(1.) Charging the principal and interest of the monies advanced in pursuance of this Act on the general revenue of the said colony; and

(2.) Enabling the governor of the said colony to raise by taxation in the colony such additional sums (if any) as may be required to repay the principal and interest of the said advances in manner aforesaid; and

(3.) Appropriating all monies advanced as aforesaid for the purpose of improving and fortifying the said harbour of Galle, and for no other purpose.

Harbour of Galle Loan.

A

BILL

For empowering the Public Works Loan Commissioners to advance a sum not exceeding two hundred and fifty thousand pounds for the improvement of the Harbour of Galle in the colony of Ceylon.

(Prepared and brought in by
Mr. Dodson, Mr. Grant Duff, and Mr. Stansfeld.)

Ordered, by The House of Commons, *to be Printed,*
30 *July* 1869.

[Bill 250.]

Under 1 *oz.*

Heritable Rights Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Construction of Act.
3. Reductions by an heir ex capite lecti abolished.
4. Section 102 of Act 19 & 20 Vict. c. 79. amended.
5. Inhibitions to prescribe in five years.
6. Registration of decrees of division of commonty.

A

BILL

TO

Abolish the Law of Death-bed, and to make certain other changes in the Law of Scotland relating to Heritable Rights.

A.D. 1869.

WHEREAS it is expedient that reductions ex capite lecti should be abolished, and certain other changes should be made in the law of Scotland relating to heritable rights:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the "Heritable Rights (Scotland) Act, 1869."

Construction of Act.

2. This Act and "The Titles to Land Consolidation (Scotland) Act, 1868," shall be read and construed together as one Act.

Reductions by an heir ex capite lecti abolished.

3. After the passing of this Act it shall not be competent to an heir-at-law, an heir of provision, or any other person to challenge or reduce ex capite lecti any deed or settlement of heritable property, whether the same shall have been executed prior to the passing of this Act or may be hereafter executed: Provided always, that this Act shall not affect any actions of reduction ex capite lecti which may at present be in dependence.

Section 102 of Act 19 & 20 Vict. c. 79. amended.

4. Whereas by the Act 19 & 20 Vict., cap. 79, sec. 102, it is enacted, that the act and warrant of confirmation in favour of the trustee upon the estates of a bankrupt sequestrated in virtue of that Act shall, ipso jure transfer to and vest in him or any succeeding trustee for behoof of the creditors, absolutely and irredeemably, as at the date of the sequestration, with all right, title, and interest, inter alia the whole heritable estate belonging to a bankrupt in Scotland, to the same effect as if a decree of adjudication in implement of sale, as well as a decree of adjudication for payment and in security of debt subject to no legal reversion, had been pronounced in favour of the

A.D. 1869.

trustee, and recorded at the date of the sequestration, and that the right of the trustee shall not be challengeable on the ground of any prior inhibition (saving the effect which such inhibition may be entitled to in the ranking of the creditors): And whereas, in the event of the estates of an apparent or presumptive heir entitled to succeed to lands under a deed of entail or other deed containing a distinction in favour of such heir, being sequestrated in virtue of said statute, the above-recited enactment might render inoperative and ineffectual dispositions or conveyances, or bonds and dispositions in security, or other deeds in security or relief previously executed by such heir, conveying or affecting, or intended to convey or affect, the lands conveyed by such deed, although the disponee or creditor therein may have been infeft in such lands in virtue thereof, and it is expedient to amend and limit the said enactment: Be it therefore enacted, that where, prior to sequestration of his estates being awarded under said Act, such heir shall have granted a deed or conveyance, or a bond and disposition in security, or other deed in security or relief, conveying for an onerous cause such lands either absolutely, or in security or relief, and containing a procuratory authorizing the disponee or creditor therein to complete a title in the person of such heir, on the opening of the succession to him, and where the creditor or disponee shall prior to the awarding of such sequestration have been duly infeft in such lands in virtue of such disposition or conveyance, or bond and disposition in security, or other deed in security or relief, by registration thereof, or an instrument thereon, in the appropriate register of sasines, such lands shall not, ipso jure, during the period herein-after mentioned, be transferred to or vested in such trustee by virtue of the act and warrant of confirmation in such sequestration, provided the disponee or creditor in such disposition or conveyance, or bond and disposition in security, or other deed in security or relief, shall in virtue of such procuratory duly complete a feudal title in the person of such heir to such lands within the period of nine months after the date of such act and warrant of confirmation, if the succession shall have opened to such heir prior to the awarding of sequestration, or within nine months after the succession shall open to such heir, in the event of sequestration being awarded prior to the opening of such succession, or, in the case of such heir dying in foreign parts, within such extended period as may be fixed by the Court of Session, under any application made by such disponee or creditor for such extension; and in the event of a feudal title to such lands being so completed in the person of such heir within such period or extended period, the right of the disponee or creditor shall (if otherwise valid) be preferable to the right of such trustee, and the act and warrant of confirmation shall, as respects deeds in security or relief, transfer to and vest in the trustee such lands to the extent only of the reversion thereof, after satisfying the rights and claims of such disponee or creditor.

Inhibitions to prescribe in five years.

5. All inhibitions subsisting at the passing of this Act shall prescribe not later than on the lapse of five years after the said date, and all inhibitions which shall be recorded after the passing of this Act shall prescribe on the lapse of five years from the date on which the same shall take effect, as aforesaid: Provided always, that the raisers of any such inhibitions, or their heirs or assignees, may again record the same before the expiration of the said respective periods of five years, and on being so recorded such inhibitions shall continue in force for an additional period of five years from the date of such subsequent recording: Provided nevertheless, that in the case of inhibitions subsisting at the passing of this Act, no such inhibition shall in any case be effectual for a longer period than it would have remained in force if this Act had not been passed.

Registration of decrees of division of commonty.

6. Where a decree shall have been pronounced by a competent court dividing a commonty, or other joint or pro indiviso lands held by joint or pro indiviso proprietors or by heirs portioners, it shall be competent to any of such joint or pro indiviso proprietors or heirs portioners, or to any person in their right, to record such decree, along with a warrant of registration thereon, in the appropriate register of sasines; and such decree, when so recorded, shall have the effect of a recorded conveyance by all such joint or pro indiviso proprietors, or heirs portioners, in favour of the person named in such warrant of registration.

Heritable Rights.

A

B I L L

To abolish the Law of Death-bed, and to make certain other changes in the Law of Scotland relating to Heritable Rights.

(Prepared and brought in by
The Lord Advocate and Mr. Solicitor-General
for Scotland.)

Ordered, by The House of Commons, *to be printed,*
9 *July* 1869.

[Bill 204.]

Under 1 *oz.*

Heritable Rights Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Clause
1. Short title.
2. Construction of Act.
3. Reductions by an heir, &c. ex capite lecti abolished.
4. Section 102 of Act 19 & 20 Vict. c. 79. amended.
5. Inhibitions to prescribe in five years.
6. Registration of decrees of division of commonty.

SCHEDULE.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Abolish the Law of Death-bed, and to make certain other changes in the Law of Scotland relating to Heritable Rights.

A.D. 1869.

WHEREAS it is expedient that reductions ex capite lecti should be abolished, and certain other changes should be made in the law of Scotland relating to heritable rights:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the "Heritable Rights (Scotland) Act, 1869."

Construction of Act.

2. This Act and "The Titles to Land Consolidation (Scotland) Act, 1868," shall be read and construed together as one Act.

Reductions by an heir, &c. ex capite lecti abolished.

3. After the thirty-first day of December one thousand eight hundred and sixty-nine it shall not be competent to an heir-at-law, an heir of provision, or any other person to challenge or reduce ex capite lecti any deed or settlement of heritable property, or any acts or deeds affecting legitim or jus relectæ, whether the same shall have been executed or done prior to the passing of this Act or may be hereafter executed or done; and, after the foresaid date so much of the Act of the Parliament of Scotland, passed in the year one thousand six hundred and ninety-six, and intituled "An Act "anent the nomination of tutors and curators," as requires that nominations of tutors and curators to children shall be made in liege poastie, shall be, and the same is hereby repealed; and such nominations, if otherwise competent, shall be valid and effectual notwithstanding that the same may have been executed on death-bed: Provided always, that this Act shall not affect any actions of reduction ex capite lecti which may be in dependence at the said thirty-first day of December one thousand eight hundred and sixty-nine.

A.D. 1869.

Section 102 of Act 19 & 20 Vict. c. 79. amended.

4. Whereas by the Act 19 & 20 Vict. cap. 79. sec. 102. it is enacted, that the act and warrant of confirmation in favour of the trustee upon the estates of a bankrupt sequestrated in virtue of that Act shall, ipso jure, transfer to and vest in him or any succeeding trustee for behoof of the creditors, absolutely and irredeemably, as at the date of the sequestration, with all right, title, and interest, inter alia the whole heritable estate belonging to a bankrupt in Scotland, to the same effect as if a decree of adjudication in implement of sale, as well as a decree of adjudication for payment and in security of debt subject to no legal reversion, had been pronounced in favour of the trustee, and recorded at the date of the sequestration, and that the right of the trustee shall not be challengeable on the ground of any prior inhibition (saving the effect which such inhibition may be entitled to in the ranking of the creditors): And whereas, in the event of the estates of an apparent or presumptive heir entitled to succeed to lands under a deed of entail or other deed containing a destination in favour of such heir, being sequestrated in virtue of said statute, the above-recited enactment might render inoperative and ineffectual dispositions or conveyances, or bonds and dispositions in security, or other deeds in security or relief previously executed by such heir, conveying or affecting, or intended to convey or affect, the lands to which he may be entitled to succeed, although the disponee or creditor therein may have been infeft in such lands in virtue thereof, and it is expedient to amend and limit the said enactment: Be it therefore enacted, That where, prior to sequestration of his estates being awarded under said Act, such heir shall have granted a deed or conveyance, or a bond and disposition in security, or other deed in security or relief, conveying for an onerous cause such lands either absolutely or in security or relief, and containing a procuratory authorizing the disponee or creditor therein to complete a title in the person of such heir, on the opening of the succession to him, and where the creditor or disponee shall prior to the awarding of such sequestration have been duly infeft in such lands in virtue of such disposition or conveyance, or bond and disposition in security, or other deed in security or relief, by registration thereof, or of an instrument thereon, in the appropriate register of sasines, such lands shall not, ipso jure, during the period herein-after mentioned, be transferred to or vested in such trustee by virtue of the act and warrant of confirmation in such sequestration, provided the disponee or creditor in such disposition or conveyance, or bond and disposition in security, or other deed in security or relief, shall in virtue of such procuratory duly complete a feudal title in the person of such heir to such lands within the period of nine months after the date of such act and warrant of confirmation, if the succession shall have opened to such heir prior to the awarding of sequestration, or within nine months after the succession shall open to such heir, in the event of sequestration being awarded prior to the opening of such succession, or, within such extended period as may be fixed by the Court of Session, under any application made by such disponee or creditor for such extension; and in the event of a feudal title to such lands being so completed in the person of such heir within such period or extended period, the right of the disponee or creditor shall (if otherwise valid) be preferable to the right of such trustee, and the act and warrant of confirmation shall, as respects deeds in security or relief, transfer to and vest in the trustee such lands to the extent only of the reversion thereof, after satisfying the rights and claims of such disponee or creditor.

Inhibitions to prescribe in five years.

5. All inhibitions subsisting at the passing of this Act shall prescribe not later than on the lapse of five years after the said date, and all inhibitions which shall be recorded after the passing of this Act shall prescribe on the lapse of five years from the date on which such inhibition shall take effect: Provided always, that the raisers of any such inhibitions, or their heirs or assignees, may again record the same or a minute signed by the party or his agent in or as nearly as may be in terms of schedule A. hereto annexed before the expiration of the said respective periods of five years, and on such inhibition or such minute being so recorded such inhibitions shall continue in force for an additional period of five years from the date of such subsequent recording: Provided nevertheless, that in the case of inhibitions subsisting at the passing of this Act, no such inhibition shall in any case be effectual for a longer period than it would have remained in force if this Act had not been passed.

Registration of decrees of division of commonty.

6. Where a decree shall have been pronounced by a competent court dividing a commonty, or other joint or pro indiviso lands held by joint or pro indiviso proprietors or by heirs portioners, it shall be competent to any of such joint or pro indiviso proprietors or heirs portioners, or to any person in their right, to record such decree, along with a warrant of registration thereon, in the appropriate register of sasines; and such decree, when so recorded, shall have the effect of a recorded conveyance by all such joint or pro indiviso proprietors, or heirs portioners, in favour of the person named in such warrant of registration.

A.D. 1869.

SCHEDULE A.

Renew inhibition at the instance of *A.* [*here insert designation of inhibitor*] against *B.* [*here insert designation of party inhibited*], recorded in this register [*or, if recorded in a particular register, here mention it*], on the day of on behalf of the said *A.* [*or, if the party in right of the inhibition be an heir, assignee, &c. say*] on behalf of *C.* [*insert designation, and state shortly the title by which he has right to the inhibition*].

G.M., W.S., Edinburgh,
Agent,
or Party.

Heritable Rights.

A

B I L L

[AS AMENDED IN COMMITTEE]

To abolish the Law of Death-bed, and to make certain other changes in the Law of Scotland relating to Heritable Rights.

(*Prepared and brought in by*
The Lord Advocate and Mr. Solicitor-General
for Scotland.)

Ordered, by The House of Commons, *to be printed,*
22 *July* 1869.

[Bill 234.]

Under 1 *oz.*

725

A
BILL
TO

Provide for the discharge of the duties heretofore performed by High Constables, and for the abolition of such office.

A.D. 1869.

WHEREAS it is expedient to abolish the office of High Constable in England and Wales, and to make provision for the discharge of the duties heretofore performed by them:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Vacancies not to be filled up.

1. On the occurrence of any vacancy after the passing of this Act in the office of High Constable of any hundred or other like district, such vacancy shall not be filled up.

How notices are to be sent.

2. It shall be the duty of the clerk to the justices of the peace in any petty sessional division to send by post to the proper parties in each such division all notices of the holding of special or other sessions, of days of appeal, and of any other matter or thing (except such as relate to claims against the hundred or other like district) of which notices are now by law or custom served upon or sent to any parochial officer or other person by high constables, and no precept or notice to perform any duty shall hereafter be issued to any high constable.

Chief constable to act in case of claims against hundred.

3. In every action to be brought or summary claim to be preferred against any hundred or other like district, the process for appearance in the action and the notice required in the case of the claim shall be served upon the chief constable or other acting chief officer of police for the time being of the county, riding, division, or liberty in which such hundred is situate, and all matters which by any Act the high constable of a hundred is authorized or required to do in either of such cases shall be done by the officer so served, who shall have the same powers, rights, and remedies, and be

A.D. 1869.

subject to the same liabilities as any high constable would but for the passing of this Act have had and incurred under any Act of Parliament, and in case of the termination of his office by death or otherwise his successor shall act in his stead.

Short title of Act.

4. This Act may be cited as the High Constables Act, 1869.

High Constables' Office Abolition, &c.

A

BILL

To provide for the discharge of the duties heretofore performed by High Constables, and for the abolition of such office.

(*Prepared and brought in by*
Mr. Hunt, Mr. Sclater-Booth, and
Mr. Stavely Hill.)

Ordered, by The House of Commons, *to be Printed,*
10 *June* 1869.

[Bill 160.]

Under 1 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Provide for the discharge of the duties heretofore performed by High Constables, and for the abolition of such office, with certain exceptions.

A.D. 1869.

WHEREAS it is expedient to abolish the office of High Constable in England and Wales, except in certain cases, and to make provision for the discharge of the duties heretofore performed by such constables:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Clause A. Interpretation clause.

1. For the purposes of this Act the word "High Constable" shall include any constable of any hundred or other like district, and any officer discharging the duties usually performed by high constables by whatever name such officer shall be called.

When vacancies not to be filled up.

2. It shall be the duty of the justices of the peace for every county, riding, division, or liberty in quarter sessions assembled in the month of January next after the passing of this Act to consider and determine whether it is necessary that the office of high constable of each hundred or other like district within their jurisdiction should be continued, and whenever such justices so assembled as aforesaid shall have determined in the case of any such hundred or other like district that it is not necessary that the office of high constable should be continued, they shall send notice of such determination to the person or persons in whom the appointment of such high constable is vested, and on the occurrence thereafter of any vacancy in such office such vacancy shall not be filled up, but this provision shall not apply to the case of any high constable who is by law or custom returning officer at any parliamentary or municipal election, or is charged with the supervision of the register

A.D. 1869.

of electors, or in whom is vested by virtue of his office any real property.

How notices are to be sent.

3. It shall be the duty of the clerk to the justices of the peace in each petty sessional division to send by post to the proper parties in such division all notices of the holding of special or other sessions, of days of appeal, and of any other matter or thing (except such as relate to claims against the hundred or other like district, or to parliamentary or municipal elections, or the registration of electors,) of which notices are now by law or custom served upon or sent to any parochial officer or other person by high constables, and no precept or notice to perform any such duty shall hereafter be issued to any high constable, after the passing of this Act.

CLAUSE B. 7 & 8 Vict. c. 33. to come into general operation.

4. All the provisions of the Act passed in the session of Parliament holden in the seventh and eighth years of the reign of Her present Majesty Queen Victoria, intituled "An Act for facilitating "the collection of county rates and for relieving high constables "from attendance at quarter sessions in certain cases and from "certain other duties," which under such Act are to come into force upon the occurrence of any vacancy in the office of high constable of any hundred, shall come into force immediately after the passing of this Act in every case as if a vacancy in such office had occurred.

Chief constable to act in case of claims against hundred.

5. In every action to be brought or summary claim to be preferred against any hundred or other like district, the process for appearance in the action and the notice required in the case of the claim shall be served upon the chief constable or other acting chief officer of police for the time being of the county, riding, division, or liberty in which such hundred or district is situate, and all matters which by any Act the high constable of a hundred is authorized or required to do in either of such cases shall be done by the officer so served, who shall have the same powers, rights, and remedies, and be subject to the same liabilities as any high constable would but for the passing of this Act have had and incurred under any Act of Parliament, and in case of the termination of his office by death or otherwise his successor shall act in his stead.

CLAUSE C. Pensions may be given in certain cases.

6. If it shall appear to the justices assembled at any court of quarter sessions that any high constable within the jurisdiction of such court, holding office for life or during good behaviour, has suffered or is likely to suffer by reason of the passing of this Act any loss of emoluments heretofore chargeable upon the county stock or rate, it shall be lawful for such justices upon the application of any such constable, notice having been given at a previous meeting of the court, to order that such sum shall be annually or quarterly paid to such constable during his life and charged upon the county stock or rate as shall seem to them reasonable, regard being had to the cessation of any duties in respect of which such emoluments had theretofore been received by him and to any other circumstances in the case.

Short title of Act.

7. This Act may be cited as the High Constables Act, 1869.

High Constables' Office Abolition, &c.

A

BILL

[AS AMENDED IN COMMITTEE]

To provide for the discharge of the duties heretofore performed by High Constables, and for the abolition of such office, with certain exceptions.

(Prepared and brought in by
Mr. Hunt, Mr. Sclater-Booth, and
Mr. Stavely Hill.)

Ordered, by The House of Commons, *to be Printed,*
28 *June* 1869.

[Bill 182.]

Under 1 *oz.*

A

BILL

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

TO

Provide for the discharge of the duties heretofore performed by High Constables, and for the abolition of such office, with certain exceptions.

A.D. 1869.

WHEREAS it is expedient to abolish the office of High Constable in England and Wales, except in certain cases, and to make provision for the discharge of the duties heretofore performed by such constables:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Clause A. Interpretation clause.

1. For the purposes of this Act the word "High Constable" shall include any constable of any hundred or other like district, and any officer discharging the duties usually performed by high constables by whatever name such officer shall be called.

When vacancies not to be filled up.

2. It shall be the duty of the justices of the peace for every county, riding, division, or liberty in quarter sessions assembled in the month of January next after the passing of this Act to consider and determine whether it is necessary that the office of high constable of each hundred or other like district within their jurisdiction should be continued, and whenever such justices so assembled as aforesaid shall have determined in the case of any such hundred or other like district that it is not necessary that the office of high constable should be continued, they shall send notice of such determination to the person or persons in whom the appointment of such high constable is vested, and on the occurrence thereafter of any vacancy in such office such vacancy shall not be filled up, but this provision shall not apply to the case of any high constable who is by law or custom returning officer at any parliamentary or municipal election, or is charged with the supervision of the register of electors, or in whom is vested by virtue of his office any real property.

How notices are to be sent.

3. It shall be the duty of the clerk to the justices of the peace in each petty sessional division, other than those which are either wholly or partly within the metropolitan police district or the city of London, to send by post to the proper parties in such division all notices of the holding of special or other sessions, of days of appeal, and of any other matter or thing (except such as relate to claims against the hundred or other like district, or to parliamentary or municipal elections, or the registration of electors,) of which notices are now by law or custom served upon or sent to any parochial officer or other person by high constables, and no precept or notice to perform any such duty in any such division shall hereafter be issued to any high constable, after the passing of this Act.

Clause B.
7 & 8 Vict. c. 33. to come into general operation.

4. All the provisions of the Act passed in the session of Parliament holden in the seventh and eighth years of the reign of Her present Majesty Queen Victoria, intituled "An Act for facilitating "the collection of county rates and for relieving high constables "from attendance at quarter sessions in certain cases and from "certain other duties," which under such Act are to come into force upon the occurrence of any vacancy in the office of high constable of any hundred, shall come into force immediately after the passing of this Act in every case as if a vacancy in such office had occurred.

Chief constable to act in case of claims against hundred.

5. In every action to be brought or summary claim to be preferred against any hundred or other like district, of which there is no high constable, the process for appearance in the action and the notice required in the case of the claim shall be served upon the chief constable or other acting chief officer of police for the time being of the county, riding, division, or liberty in which such hundred or district is situate, and all matters which by any Act the high constable of a hundred is authorized or required to do in either of such cases shall be done by the officer so served, who shall have the same powers, rights, and remedies, and be subject to the same liabilities as any high constable would but for the passing of this Act have had and incurred under any Act of Parliament, and in case of the termination of his office by death or otherwise his successor shall act in his stead.

Clause C.
Pensions may be given in certain cases.

6. If it shall appear to the justices assembled at any court of quarter sessions that any high constable within the jurisdiction of such court, holding office for life or during good behaviour, has suffered or is likely to suffer by reason of the passing of this Act any loss of emoluments heretofore chargeable upon the county stock or rate, it shall be lawful for such justices upon the application of any such constable, notice having been given at a previous meeting of the court, to order that such sum shall be annually or quarterly paid to such constable during his life and charged upon the county stock or rate as shall seem to them reasonable, regard being had to the cessation of any duties in respect of which such emoluments had theretofore been received by him and to any other circumstances in the case, and in the case of any such constable holding office as aforesaid, and remunerated by salary conditional upon the discharge of the duties of his office, the annual sum to be awarded him by such order shall not be less than two thirds of such salary.

Short title of Act.

7. This Act may be cited as the High Constables Act, 1869.

High Constables Office Abolition, &c.

A

BILL

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

To provide for the discharge of the duties heretofore performed by High Constables, and for the abolition of such office, with certain exceptions.

(*Prepared and brought in by*
Mr. Hunt, Mr. Sclater-Booth, and
Mr. Stavely Hill.)

Ordered, by The House of Commons, *to be Printed,*
5 *July* 1869.

[Bill 195.]

Under 1 *oz.*

Hospitals, &c. Rating Exemption Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Certain public hospitals, &c. exempted from rates on obtaining the certificate herein-after mentioned. Proviso.
2. The said hospitals, &c. to cause three copies of their rules of management to be submitted to the barrister or person appointed to certify the rules of Friendly Societies, &c. One certified copy to be returned to the institution, one to be retained by the barrister, and the other transmitted to the clerk of the peace.
3. Certain alterations in the rules to be certified and deposited in like manner. Proviso in case of refusal to certify.
4. Fee for certifying to be paid to the barrister or Lord Advocate.
5. Provision in cases where the certificate is refused.
6. Appeal to quarter sessions.

SCHEDULE.

A

BILL

TO

Exempt Public Hospitals, Infirmaries, and Dispensaries from liability to Rating.

A.D. 1869.

WHEREAS it is expedient that all such institutions established and continued exclusively for the treatment and cure of the sick as are in the schedule to this Act mentioned, and the committees, councils, or boards of management of such institutions, should be exempt from the charge of county, borough, parochial, and other local rates in respect of land and buildings occupied by them for the transaction of their business, and for carrying into effect their purposes:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same:

Certain public hospitals, &c. exempted from rates on obtaining the certificate herein-after mentioned.

1. That from and after the *first day of October one thousand eight hundred and sixty-nine*, no person or persons shall be assessed or rated or liable to be assessed or rated, or liable to pay to any county, borough, parochial, or other local rates or cesses, in respect of any land, houses, or buildings, or parts of houses or buildings, belonging to any institution mentioned in the schedule of this Act, or to the contributories, trustees, committee, council, or board of management thereof, either as tenant or as owner, and occupied by such institution, or by the contributories, trustees, committee, council, or board of management thereof, for the transaction of the business of such institution, and for carrying into effect its purposes; provided that such institution shall be supported wholly or in part by the annual voluntary contributions of not less than *twenty* subscribers, and shall not, and by its laws may not, make any dividend, gift, division, or bonus in money unto or between any of its members; and provided also, that such institution shall obtain the certificate of the barrister-at-law or Lord Advocate as herein-after mentioned.

Proviso.

The said hospitals, &c. to cause three copies of their rules of management to be

2. Provided always, and be it enacted, that before any institution shall be entitled to the benefit of this Act, such institution shall cause three copies of all laws, rules, and regulations for the management thereof, signed by the president or other chief officer, and three members of the council or committee of management, and submitted to the barrister or person appointed to certify the rules of friendly societies, &c.

One certified copy to be returned to the institution, one to be retained by the barrister, and the other transmitted to the clerk of the peace.

countersigned by the clerk or secretary of such institution, to be submitted, in England, Wales, and Berwick-upon-Tweed, to the barrister-at-law for the time being appointed to certify the rules of friendly societies there, and in Scotland to the Lord Advocate, or any deputy appointed by him to certify the rules of friendly societies there, and in Ireland to the barrister for the time being appointed to certify the rules of friendly societies there, for the purpose of ascertaining whether such institution is entitled to the benefit of this Act, and such barrister or Lord Advocate, as the case may be, shall give a certificate on each of the said copies that the institution so applying is entitled to the benefit of this Act, or shall state in writing the grounds on which such certificate is withheld; and one of such copies, when certified by such barrister or Lord Advocate, shall be returned to the institution, another copy shall be retained by such barrister or Lord Advocate, and the other of such copies shall be transmitted by such barrister or Lord Advocate to the clerk of the peace for the borough or county where the land or buildings of such institution in respect of which such exemption is claimed shall be situate, and shall by him be laid before the recorder or justices for such borough or county at the general quarter sessions, or adjournment thereof, held next after the time when such copy shall have been so certified and transmitted to him as aforesaid, and the recorder or justices then and there present are hereby authorized and required, without motion, to allow and confirm the same; and such copy shall be filed by such clerk of the peace with the rolls of the sessions of the peace in his custody, without fee or reward.

Certain alterations in the rules to be certified and deposited in like manner.

Proviso in case of refusal to certify.

3. And be it enacted, that if the laws, rules, and regulations of any such institution shall be altered so as to affect or relate to the property or government of such institution, such alterations shall, within one calendar month after the same shall have been made, be submitted to such barrister or Lord Advocate, and such barrister or Lord Advocate shall certify as aforesaid; and such rules, when so certified, shall be filed with the clerk of the peace as aforesaid; and in the meantime such institution shall be entitled to the benefit of this Act, as if no such alterations had been made: Provided always, that if the said barrister or Lord Advocate shall refuse to certify, that then, subject to such appeal as is herein-after provided, the said institution shall cease to be entitled to the benefit of this Act, from the time when such alterations shall come into operation.

Fee for certifying to be paid to the barrister or Lord Advocate.

4. Provided always, and be it enacted, that the fee payable to such barrister or Lord Advocate for perusing the laws, rules, and regulations of each institution, or the alterations made therein, and giving such certificate or statement as aforesaid, shall not at any one time exceed the sum of *one guinea*, which, together with the expense of transmitting the rules to and from the said barrister or Lord Advocate, shall be defrayed by each institution respectively.

Provision in cases where the certificate is refused.

5. Provided always, and be it enacted, that in case any such barrister or Lord Advocate shall refuse to certify that any such institution is entitled to the benefit of this Act, it shall then be lawful for any such society to submit the laws, rules, and regulations thereof to the court of quarter sessions for the borough or county where the land or buildings of the institution shall be situate, together with the reasons so assigned by the said barrister or Lord Advocate as aforesaid; and the recorder or justices at such quarter sessions shall and may, if he or they think fit, order the same rules to be filed, notwithstanding such refusal as aforesaid, and such filing shall have the same effect as if the said barrister or Lord Advocate had certified as aforesaid.

Appeal to quarter sessions.

6. Provided also, and be it enacted, that any person or persons assessed to any rate from which any institution shall be exempted by this Act may appeal from the decision of the said barrister or Lord Advocate, in granting such certificate as aforesaid, to the said court of quarter sessions, within four calendar months next after the first assessment of such rate made after such certificate shall have been filed as aforesaid, or within four calendar months next after the first assessment of such rate made after such exemption shall have been claimed by such institution, such appellant first giving to the clerk or secretary of the institution in question, twenty-one days previously to the sitting of the said court, notice in writing of his intention to bring such appeal, together with a statement in writing of the grounds thereof, and within four days after such notice entering into a recognizance before some justice, with two sufficient sureties, to try such appeal at, and abide the order of, and pay such costs as shall be awarded by the recorder or justices at such quarter sessions; and at such quarter sessions such recorder or justices shall, on its being proved that such notice and statement have been given as aforesaid, proceed to hear such appeal according to the grounds set forth in such statement, and not otherwise, and if the certificate of the said barrister or Lord Advocate shall appear to him or them to have been granted contrary to the provisions of this Act shall and may annul the same, and shall and may, according to their discretion, award such costs to the party appealing or appealed against as he or they shall think proper; and his or their determination concerning the premises shall be conclusive and binding on all parties, to all intents and purposes whatsoever.

SCHEDULE above referred to.

A.D. 1869.

1. Public general hospitals, general infirmaries and dispensaries for the treatment and cure of sick and diseased persons, and persons suffering from hurts, accidents, or injuries.
2. Cancer hospitals, infirmaries, and dispensaries.
3. Hospitals for sick children.
4. Hospitals, infirmaries, and dispensaries for consumption, and diseases and disorders of the chest.
5. Convalescent hospitals, and the houses, homes, and retreats appurtenant or belonging to or occupied as part of or with any public general hospital, infirmary, or dispensary duly certified under the provisions of this Act.
6. Dental hospitals, infirmaries, and dispensaries.
7. Hospitals, infirmaries, and dispensaries for the treatment, alleviation, and cure of epilepsy.
8. Hospitals, infirmaries, and dispensaries for diseases of the eye and ear.
9. Fever hospitals, infirmaries, and dispensaries.
10. Fistula hospitals, infirmaries, and dispensaries.
11. Foundling hospitals.
12. Hospitals, infirmaries, and dispensaries for diseases of the heart.
13. Hospitals and asylums (other than lunatic asylums) for incurables.
14. Hospitals, infirmaries, and dispensaries for the treatment and cure of persons suffering from infectious and contagious diseases.
15. Hospitals, infirmaries, and dispensaries for lithotomy and lithotrity, and diseases of the bladder.
16. Lock hospitals, and hospitals, infirmaries, and dispensaries for the treatment, alleviation, or cure of syphilitic and venereal diseases.
17. Hospitals for midwifery and lying-in women.
18. Ophthalmic hospitals, infirmaries, and dispensaries.
19. Orthopœdic hospitals, infirmaries, and dispensaries.

20. Hospitals, infirmaries, and dispensaries for diseases of the skin.
21. Smallpox hospitals, infirmaries, and dispensaries.
22. Hospitals, infirmaries, and dispensaries for the treatment, alleviation, or cure of venereal diseases.
23. Hospitals, infirmaries, and dispensaries for the cure of ulcers and ulceration.
24. Hospitals for sick women.
25. Hospitals for sick women and sick children.
26. Hospitals and infirmaries for diseases of the womb.

Hospitals, &c. Rating Exemption.

A

B I L L

To exempt Public Hospitals, Infirmaries, and Dispensaries from liability to Rating.

(*Prepared and brought in by*
Mr. Wheelhouse and Sir Herbert Croft.)

Ordered, by The House of Commons, *to be Printed,*
14 *April* 1869.

[Bill 81.]

Under 1 *oz.*

A

BILL

FOR

The Abolition of the Landlord's Right of Hypothec in Scotland.

A.D. 1869.

Preamble.

WHEREAS it is expedient to abolish the landlord's hypothec for rent in Scotland, and to place landlords claims for rent upon the same footing as other personal debts with respect to the legal remedies for the recovery thereof:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Hypothec for rent to cease; remedies for recovery of rents.

1. From and after the passing of this Act, the landlord's hypothec for rent in Scotland shall cease and determine; and landlords shall have for the recovery of the rents due to them the like legal remedies, and no others, which are, by the law of Scotland, competent to creditors in personal obligations.

Not to apply to current leases.

2. This Act shall not apply to claims for rent due under written leases current at the date of the passing thereof.

Hypothec Abolition (Scotland).

A

BILL

For the Abolition of the Landlord's Right of Hypothec in Scotland.

(Prepared and brought in by
Mr. Carnegie, Mr. Fordyce, and Mr. Craufurd).

Ordered, by The House of Commons, *to be Printed,*
18 *February* 1869.

[Bill 4.]

Under 1 *oz.*